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JUN 10 1915

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NATIONAL
MUNICIPAL REVIEW

VOL. III, No. 1 JANUARY, 1914 TOTAL No. 9

OF WHAT DOES MUNICIPAL ADVANCE CONSIST?

BY CLINTON ROGERS WOODRUFF[1]

Philadelphia

THERE has grown up within the past two or three years a controversy, in places fierce and violent, over the question "Shall public utilities be controlled by a state or local board." Without trespassing upon the functions of the franchise committee of the National Municipal League which has discussed the pros and cons of this perplexing problem, suffice it to say the question is not: Shall there be public control or none: but as to the form of that control. It is now generally conceded that public utilities, and chief among these are municipal utilities, must be carefully supervised and controlled so that the rights of the communities and of the users may be adequately protected.

That is municipal advance, for twenty years ago the principal phase of the franchise question to be discussed was "Have the city and the citizen any rights which the corporations enjoying the franchise are bound to respect." Then, the subject of municipal ownership and operation of public utilities was largely regarded as an academic one. Today the city of San Francisco is successfully running a street railway, and planning to extend it in many directions, the necessary money having been voted directly by the people. Detroit is taking steps in the same direction, its electors having voted by a large majority so to do. Toronto is apparently on the threshold of a similar policy.

The constitutions of certain states of the Union require a referendum on all municipal bond issues; some on all above a certain percentage. Others require a majority, some a three-fifths majority; while some, notably Maryland, require in addition special legislative sanction.[2]

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[1] Nineteenth Annual Review of the Secretary of the National Municipal League.

[2] The following states require that all propositions for municipal issues shall be submitted to the qualified electors of the municipalities: Alabama, California, Colorado, South Dakota, South Carolina, Oklahoma, Idaho, Missouri, Kentucky, West

The placing of these safeguards around municipal bond issues, of course adds to their security; but over and above that important consideration is the still more important one of bringing home to the electorate its duty and obligation to provide the ways and means for carrying forward progressive, municipal policies. If our cities are to be really progressive and protective, and are to be truly democratic, then the electorate must have a voice, and a direct voice, in the determination of policies.[3]

That is municipal advance.

A further development of this democratic participation in the financial transactions of the city, is to be found in the recently adopted methods of disposing of bonds. St. Paul, Minn., had ready and waiting for sale paving bonds, bearing interest at the rate of 6 per cent. Notwithstanding the high rate it was found difficult to market them, owing to certain legal technicalities. The city needed the money, and while the city officials were debating what was to be done, one of the large department stores saw in the situation an opportunity to do something novel, attract attention, and at the same time to do its customers and the city a real service. Its heads went to the city officials and secured (a local trust company in the mean time having taken a part of the issue) half of the bonds. Thereupon it announced through the local papers that it would sell the bonds over its counters at the price paid for them. Furthermore, it agreed to guarantee the bonds, so that in case legal difficulties did arise and any of the purchasers wished their money refunded, they could get it for the asking.

These bonds were disposed of as fast as the clerks assigned to the duty could take the money and issue the necessary receipts. The average purchase was about $250. The actual time consumed in the entire sale was less than five hours, and scores of people went away disappointed that they had not come in time to obtain a share of the securities.

The money came from the postal savings banks, from local savings banks, and from home hoardings. James J. Hill expressed himself as interested because the sale showed clearly that the public could finance their own public improvements, and as a result would take a personal interest

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Virginia, Texas and Utah. The following states require a referendum for all issues in excess of a certain percentage of the assessed valuation: Georgia, Iowa, Virginia, North Dakota, Michigan, Pennsylvania and Washington. Three states—Oklahoma, Washington and West Virginia, require a three-fifths majority for the sanction of all municipal debts. New York's constitution requires a vote on state issues, but not on those of cities. Texas requires all issues to be registered in the state comptrollers' office, and such registration is the guarantee of their legality.

[3] There may be, and in certain sections, there is a tendency to overwork the idea of the initiative and referendum. In other places the procedure is costly and clumsy; but experience will serve to solve both of these problems of detail and use.

in seeing that they were well done. A city financier said that "every dollar brought out of hiding by the sale was worth five dollars of credit."

A story to the same effect comes from New York where city bonds were placed on sale by one of the large department stores. The manager said the sale demonstrated that women who decline to patronize banks or bond brokers, because of their reluctance to enter the precincts of exclusively financial business, are eager to make investments when it can be done in environments to which they are more accustomed.[4]

The firm made no profit on the transactions, the sale being held for the sole purpose of accommodating customers, especially small investors, inexperienced in investment matters.

An increasing number of cities are selling their bonds in small lots, directly to their citizens "over the counter." New York sold $65,000,000 of its bonds in this way, not long since, which experience led the *Financial World* to say editorially:

> One feature about the bids that is worthy of mention is the fact that a cautious attitude is displayed by all the big bankers or bank syndicates. Their bids were generally at par, the lowest figure that could be accepted. This indicates that these bankers, being in close touch with investment conditions at all times and the world's money markets, have found new capital supplies exceedingly scarce. The smaller bids were generally at a higher range, reflecting a more confident feeling as to the future among the smaller holders of capital. They realized the attractivenesss of the offering, which being tax exempt really gives the new bond an added feature, which few other similar issues possess. . . . The city administration, recognizing the true situation, offered its obligations on a bargain basis, and got the money and could have got more. When people will buy bargains there is no need to despair. It is only when bargains are turned down that the situation takes on a serious aspect.

This is municipal advance when the citizens directly invest their savings in the public works and improvements of their city, after formally authorizing the expenditures, for the great difficulty in the past has been to interest voters directly in municipal affairs. Direct, personal subscriptions dissipate apathy and indifference.

There are now 371 cities in the United States that are carrying on their municipal business under a commission form of government. These are distributed as follows:[5]

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[4] The women purchasers proved they were by no means timid investors. One bought $20,000. Subscriptions were in amounts from $100 up, with the average between $1,000 and $2,000. The bonds were sold at 100.125, a figure said to be slightly below the average issue price.

[5] Of this number five have a population of over 200,000; eight, a population between 100,000 and 200,000; twenty-four between 50,000 and 100,000; forty-three between 25,000 and 50,000; seventy-three between 10,000 and 35,000.

Northwestern states	80
Southwestern states	64
Northern Central states	54
Pacific and Rocky Mountain states	48
Middle states	48
Southern Central	42
Southern states	27
New England states	8

There are 7,500,000 living under this form of city government which embodies the short ballot principle; the idea of simplicity and of the concentration of authority and responsibility; the elimination of arbitrary and confusing ward lines; and a far larger measure of democratic responsibility and responsiveness than is to be found in any of the old forms of American charters.

It is only thirteen years since the first commission form of government was set up in the United States, and now that form has so far lost its novelty that it is beginning to show some signs of becoming obsolescent. Not that the core-idea of it has waned in popularity, for on the contrary it grows in popularity constantly and with remakable rapidity. But, in the words of the Galveston News:

> It is being evolved into a variety of forms which make the original form appear somewhat archaic while giving a more intense application to the philosophy that animates it. It is questionable if there are any people on the globe who have so many forms of municipal government as we have lately acquired, but however multifarious the forms, one can detect running through all of them the principle which, perhaps half-unconsciously, guided the people of Galveston when, driven by the consequences of an appalling tragedy, they accomplished a concentration of both power and responsibility, to the end that their affairs might be administered more efficiently without entailing loss of the people's control over their servants. The variations which the Galveston plan has undergone are chiefly changes in the fashion of the superstructure; the foundation principle, that of simplification, concentration and a more definite fixing of responsibility, has not only been retained in these various forms, but intensified. . . . The city manager form is enough at variance with that that Galveston set up to lead one into thinking it a distinct genus. But it is only one of many species that have been evolved of the Galveston plan, because it only employs the animating principle of the Galveston plan in what is perhaps its logical finality.

This recognition at the place of its birth, of the evolutionary character of the commission form is most significant.

The city manager plan represents a completer and more effective unification of the administrative work of the municipality; it makes possible the retention of a permanent professional expert and therefore the opening of a new career of the greatest possibilities. Moreover the city manager plan leaves the electors free to choose candidates on the basis of their representative character unfettered by any implied requirements as to executive experience or capacity to earn a large salary. It therefore involves an abandonment of the unscientific plan of attempting to select executive experts by popular elections for short terms. It constitutes a natural and effective evolution of governmental forms under American conditions.

The scrapping of the old municipal machinery, represents a substantial advance, and the city manager plan a greater one.

Non-partisanship has been the aim of the newer forms of government. It has been promoted by ignoring party designations on the ballot and eliminating the party ticket, and the machinery by which it has been brought forth. Candidates are brought forward on the basis of their individual merit and strength, with no adventitious aid from partisan labels or emblems. While partisanship still plays its part, it has been seriously crippled under the commission form and in some places, notably in the central and southwestern cities, it has measurably succeeded.

This good work has been greatly forwarded by the adoption of the constitutional amendment providing for the direct election of United States senators and by the growth of the movement for municipal home rule. The former is of importance where the state legislature has still a large say in determining the form and content of municipal government, because it takes out of that body the element of national politics which has heretofore been an overshadowing influence.

Municipal home rule has been making great gains within the past few years. In the first place by inserting in the state constitutions provisions giving to the cities the right to determine their own destinies, setting them free to do for their "citizen stockholders" that which they have come to realize needs to be done, and which they cannot do so long as they are "held under suzerainty by the rural population, expressing its will through the old fashioned sort of legislatures." In this class are the cities of Colorado, where the National Municipal League's constitutional amendment has been adopted in its entirety, California, Oregon, Washington, Oklahoma, Arizona, Idaho, Texas, Nebraska, Minnesota, Michigan, Ohio. The movement has made headway in those states which have given the cities the opportunity to adopt certain forms of government, as in Kansas, where the cities can, if they wish, come under the commission form if their electors so vote. Ohio, Illinois, Wisconsin, Iowa, North Carolina, New Mexico, are in this class. There is still another form of municipal home rule, which may be said to be home rule by sufferance, in those states where the state legislatures defer to the wishes of the representatives therein from the community affected.

These three movements: Non-partisanship, the direct election of federal senators and municipal home rule all represent municipal advance of the most effective kind, in that they place municipal affairs clearly on their own basis, freed from outside and alien influences, and give to our cities opportunity fully to develop their resources along democratic lines.

Hand-in-hand with the growth of the commission form of government has been the increasing demand for the introduction of the expert into the management of the affairs of our cities. It is quite true, as President Lowell of Harvard says in his new book *Public Opinion and Popular Government* that monarchies have habitually employed "permanent administrators, while democracies have shown a preference for rotation in office. This is not an accident. It is a natural result of the different principles on which the two different principles on which the two forms of government are based. The use of experts is as normal in a monarchy or an aristocracy as it is foreign to the genius of a democracy."

While this result has been "natural," I am not disposed to regard "permanence in the tenure of public office . . . . unnatural to a democracy" as Dr. Lowell urges (page 270).

We were many years in awakening to the facts that our governments (federal, state and especially municipal) were not real democracies. It has been only within the past generation that we have come to realize this, and the movement to democratize their form and content has only just gotten well under way. We were many years in awakening to the fact that many minor places in our several governments were not to be used as pawns in a political game, but were to be filled by those who had demonstrated their fitness in some adequate way; but this realization has become a fact in a lengthening list of cities and now we find cities laying down in their charters, as Boston has done, that the heads of the departments "shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training and experience to perform the same." While I am not prepared to say, as did the editor of the *Toledo Blade* that "This is probably as daring a departure in American government as has been made in the history of the republic," I am ready to say with him that:

> It seems to have been assumed from the first that all men were born with the capacity to administer government. Lawyers must satisfy the courts as to their ability to practice law. Doctors are subject to state examination. The right to work at the skilled trades is based upon the record of apprenticeship completed. Save in the unskilled occupations, no man can get a job until he has given some indication of knowing the work which he is to perform. But in politics it is different. It has been sufficient to win the votes, to carry the influence, or to provide the pressure upon the appointive power.

The mayor of Boston is constrained to select for department heads only such men who understand what they are to do and how to do it, and he is not the sole judge of the fitness of his appointees. That must be certified to by a separate and independent civil service board, as a result of an independent examination of their qualifications.

Efficiency in public service, a truly modern note, is the new note of civil service reform work. This latter branch of volunteer civic activity is already sometimes thought old-fashioned, and it is sufficiently old as things go in America to be in need of reform, or at least of extension. The present secretary of the Chicago Civil Service Reform Association on accepting his position found the work had been rejuvenated, at least in the Illinois and Chicago associations; that these organizations had infused new life into the movement by making efficiency in the public service its watchword, thus emulating efforts put forth in this era of large organizations by the highest class of well conducted private enterprises.

The executive committee has adopted and announced the principle that every civil service commission should be the arm of the government for promoting efficiency in the public service; that it should devote constant efforts to investigating the efficiency of individual employees and of departments, to keeping records of efficiency, to making removals for inefficiency, and to making expert, constructive suggestions. Efficiency in the public service means not only economy in expenditure for the manifold services performed by the government; it means better treatment for all affected by this service. Since 25 per cent of the people's contributions to municipal, county and state government is for salaries, the importance of emphasizing efficiency in service is manifest.

While this newer efficiency work has been extended, during the past year, the older civil service work of securing efficient employees through open, competitive, practical tests of fitness, by promoting them on the same basis, and by protecting them against removal without just cause, has not been neglected.

It must be borne in mind, however, that while it may be that there is no difference in substance between municipal and private business, there can be no doubt among reasonable men that the difficulties of introducing efficient management are greatly accentuated in city business. The working forces of the American city, until the very recent past, have been almost entirely the creation of the political necessities of different municipal administrations and have been organized primarily as political organizations, efficiency of work being regarded, when regarded at all, as a secondary consideration. Then again the working force has been a compact body of voters who have been depended upon at election time to favor those candidates who promised the most benefits to the organization in the form of increased wages, easy jobs and shorter working hours. The "bread and butter brigade" has been at one and the same time the greatest bulwark of the modern political organization and the greatest obstacle in the way of introduction of modern efficiency methods into the administration of our cities.

The civil service movement is steadily making inroads on the "bread and butter brigade" and instilling new ideas of loyalty and service into the minds and conduct of public employees. They are beginning to appreciate that they owe a loyalty to the larger group—the whole community; rather than to the smaller group—the party; and that their service must be to the whole body politic, and not to any fraction thereof no matter how powerful and influential.

This certainly is a municipal advance.

Each new municipal administration is handicapped upon assuming office by its ante-election promises made in the heat of an exciting political campaign and in most instances without adequate knowledge of the real situation. If the new administration is conscientious and endeavors to carry out its promises it soon finds that the situation is very different from what it contemplated. It if fails to carry out its promises and endeavors to meet each situation as it arises, it is confronted not only by the hostility of its constituency, but by the feeling that it is not to be trusted. This situation is inevitable so long as we seek to continue expert administration with political representation. In the words of President Lowell in private affairs we have reached a stage where the complexity of civilization, the growth of accurate knowledge, the progress of invention and the keenness of competition which renders a high degree of efficiency alone profitable, have brought about the specialization of occupations.

> We no longer believe in America today that a man who has shown himself fairly clever at something else, is thereby qualified to manage a railroad, a factory, or a bank. Are we better justified in assuming that an election by popular vote, or an appointment by a chief magistrate, confers, without apprenticeship, an immediate capacity to construct the roads and bridges, direct the education, manage the finances, purify the water supply, or dispose of the sewage of a large city; and this when it is almost certain that the person selected will not remain in office long enough to learn thoroughly a business of which he knows little or nothing at the outset? In industrial enterprise, in business concerns, the use of experts of all kinds is, indeed, constantly increasing. They have revolutionized some industries and are indispensable in many more. Nor do we merely seek for men who have gained experience in practice. In one profession after another we have learned to train them carefully in the theory of their work, taking them young and educating them for it as a distinct career. Sixty years ago for example, there was scarcely a school for engineering in the country, but now they are everywhere, and they can hardly turn out students fast enough to supply the demand. They are ever adding new departments, while our universities are creating new specialized schools, and thus adding to the number of professions. We are training men today for all services but that of the public.

That is unquestionably true; but the very fact that we are lamenting the situation is as much of an advance as was a similar lament sixty years ago with regard to the lack of engineers. There must be an appreciation of the need, before there is an effort to fill it. That there is such an appreciation of the need is shown by the fact that the National Civil Service Reform League and the National Municipal League have a joint committee to consider the question of selection and retention of the higher municipal officials; that the National Municipal League is about to add to its series a volume on the subject; that our periodical press is daily voicing the need; that the city manager cities are advertising for expert managers; that the cities like New York, Chicago, Philadelphia and Boston, are securing an ever increasing number of experts in their service; not to mention the smaller communities, no less interested and in many ways, no less progressive.

A substantial obstacle in the way of the introduction of municipal efficiency is the provincial attitude of the mass of municipal citizens. It is a natural enough feeling that each community can of itself supply all the administrative and expert capacity that the city may require. Certainly one of the most unpopular things that a new administration can do under existing conditions is to call to its aid experts from without the borders of the city. We constantly speak of the efficiency of the European city. European cities are efficiently managed because those charged with the management of their affairs do not hesitate to call to their assistance experts wherever their residence may be. This is the case not only with the heads of the bureaus, but even with the head of the city itself. The English city advertises for a chief executive not only in its own community, but in the professional papers of national circulation. German cities do the same thing. They get the best men wherever they can be found.

This prejudice, however, is slowly yielding as civic education advances. The constant advocacy of efficiency methods; the demand for the introduction of the expert into city administration, and of the city manager plan by civic bodies and the press, are slowly but surely molding public opinion, which in the end is sure to work its way. In discussing the case of permanent experts in the higher posts of the federal service, Dr. Frank J. Goodnow said: "That this can be accomplished by any changes in the law, may, perhaps, be doubted. That it will be accomplished, as soon as an educated and intelligent public opinion demands it, is a moral certainty."

Cornell University instituted this year a series of lectures on "Citizenship." In announcing this departure, the official circular pointed out that there had been a marked change in the conception of social and civic work during the past few years. That social work until recently had in popular estimation practically been confined to what was and is known as charity, charity in the sense of almsgiving; and that civic work was practically confined to the effort to "drive the rascals out" of office.

Today, though the need of remedial relief is still as thoroughly recognized as ever, the emphasis is more and more placed upon the improvement of conditions so that the need of relief may be constantly diminished. The term "worthy poor" is falling into disuse as a broader vision and a more thorough study of social conditions shows us how wide spread is the responsibility for inefficiency, sickness and misery.

Today, though the need for putting honest men into office is felt as keenly as ever, we have come to realize that not only the machinery of government should be as simple and as workable as possible, but also what is far more important, that the citizen must have a direct and a continuing interest in that government if it is to be honest, efficient and democratic.

The change is from an attempt to cure to an attempt to prevent. But it goes much further. The purpose is not merely to prevent the worst of the evils which in the past have been made the basis for appeals to our pity, our conscience or our wrath, but to set higher standards than have yet prevailed, and to adopt policies that will fundamentally improve the qualities of the race. It is not enough that men and women and children should be prevented from dying from hunger and cold; they must be assured full opportunity to live strong, wholesome, happy lives. It is not enough that graft should be prevented in our governments; they must be made efficient and truly representative. This new conception of social and civic purposes implies constructive work to the end not only that those who fall may be enabled to get upon their feet again, but that the whole community may find life better worth the living; this in turn is based upon the belief that such a community will produce a higher type of citizen, more efficient and productive workers, and through them again, a more prosperous and a better community.

The National Municipal League stands for this sort of constructive work and during the whole of its now nearly twenty years of activity it has sought to establish new and higher standards of municipal life; to study every phase of municipal activity; to multiply the number of those who are ready and willing to work for their cities; to bring into closer affiliations and coöperation the workers and organizations in this field of public endeavor. While at all time sympathetic with every sincere effort to turn out rascals, it has been more concerned in substituting the efficient for the inefficient; the public spirited for the selfish, the real progressive, for the reactionary; feeling that in that way the dishonest and the incompetent may be most effectively kept out.

In his address at the commencement exercises of the University of Cincinnati, last June, Dr. Albert Shaw said:

> Their best citizens [those of Frankfort and Cologne] feel it their bounden duty to help in the administration of the city's finances, public services, schools, parks, and charities. So conscious are these cities of the needs of guarding their future growths that they have mapped out the surrounding lands for many miles, and indicated the future streets and boulevards, transportation routes, parks and other permanent features that relate to the general welfare. They will not permit any private exploitation of

real estate that does not conform to plans that are regarded by the public authorities as best for the future of the city.

Let it be remembered that the larger growth in population, resources, attractiveness, and diffused prosperity has come to the most of European cities in our own generation, under the new forces of progress. And let it be remembered that every phase of this desirable advancement can be shown to have resulted from the *application of knowledge to the service of communities.* We have before us, in our American cities, of which Cincinnati is so interesting and well-founded a type, a period of possible growth in comparison with which the past seems only a rude urban beginning.

American cities have been slower in realizing all this, but they are arriving. Excess condemnation as a means of protecting great public improvements, as well as a social factor and as a means of financing them, was five years since an unknown term in our American municipal vocabulary. Today it has become a term of political significance in the states of New York and Wisconsin. Social and civic surveys were unheard of a decade ago; today there is a stock taking and a planning for the future of the greatest significance. The right of the eye to be protected against the ugly, the base and meretricious has become a practical question in a score of forms. City planning long ago recognized as important, is now recognized as essential in Massachusetts, for the latest legislature passed two bills making city planning compulsory for every town of more than 10,000 and for every city.

The strong arm of the city govermnent is extended to protect not alone the weak and helpless, but the ignorant and indifferent, that the present and coming generations may be strong and healthy and vigorous, and as such able to do a full day's work and likewise to resist and overcome temptation. The problems of vice and crime, and especially those which we call the social evil, are at one and the same time, physical, economic and moral. The city owes to itself and to all its constituent parts to give them a fair physical chance, an opportunity to live clean and decent lives so that they may be able to meet and resist the temptations of life. How this can be when the food is poor, the surroundings worse and the health thereby undermined does not appear. The city and the citizen are asking "Why?" and more important still are seeking the answer.

Along economic lines the city may not have so free a hand, for its responsibility is not so direct and concentrated. So far, however, as it can in the exercise of its taxing and general welfare powers, it must stand for the fair deal, the equal opportunity and the social justice, not as the shibboleths of party, but as the declared and persistent policy of the community.

The city may not reasonably be expected to impose moral standards upon its citizens; but it must make it possible and feasible for them to be clean, and decent and upright. These, however, are mainly to be accomplished along physical, economical and social lines. Indeed we must not overlook the fact that some of the so called political problems are at the bottom social ones. While, as Ida Tarbell points out, the power of the corrupt politician is being slowly abridged through civil service and other political reforms, it is being destroyed much more rapidly, in her judgment, at its very source by the establishment of public recreation centers, which must in the end abolish this particular type of gang training.

The rapid growth of the wholesome recreation movement is a great municipal advance, but its utilization to train future voters in effective "team work" is a greater municipal advance.

There is natural rejoicing at the overwhelming victory of the fusion forces in New York and the re-election of Mayor Baker in Cleveland; and there is some depression over the results in Philadelphia and Cincinnati, but these must all be regarded as incidents of a great campaign. For as Professsr Munro, for years a member of the League's council, has pointed out in his recent book to secure achievements of permanent value

> reformers must seek far more than mere change in the personnel of city government. They must simplify the political framework when necessary and make it afford those opportunities for constructive effort which are the only enduring attractions for public service. They must adjust the administrative machinery of the city to the work which it is called upon to do, a mission which in any large city is a reform task of Herculean proportions and of corresponding value when performed. If laborers in the cause of civic improvement desire to see in concrete form the results of their exertions they must also adjust their methods to the conditions of political warfare in a democracy; which means specifically that they must recognize the utter weakness of a house divided against itself, the impotence of purist professions that do not square with the facts, and the unerring certainty with which extravagent pledges return to work upon those who promise, in the way of public improvement, more than they can ever fulfill.

That the American people are coming to realize and act upon this idea is perhaps the greatest municipal advance, save the recognition, to paraphrase the language of the present chief executive of the American nation: "There is a vast deal to do, and it can best be done by forgetting that we are partisans of anything except the honor and prosperity of the city itself."

The president's address on "Public Opinion" will be published as a leading article in the April issue of the NATIONAL MUNICIPAL REVIEW.

MUNICIPAL HOME RULE AND PUBLIC UTILITY FRANCHISES

BY DR. DELOS F. WILCOX,[1] CHAIRMAN

New York City

It has been suggested that the growth of the state commission idea is rendering the subject of franchises of diminishing importance to the public. It is our view that just at present there is a tendency toward too great centralization in the control of public utilities. The idea of state regulation has gained great headway, and under some of the forms of public utility laws being enacted, or recommended for enactment, the powers of the municipalities to control local utilities, either through franchise contract or through regulation by means of ordinances or local commissions, are being seriously curtailed or taken away entirely. Nevertheless, we cannot recall a time when a greater number of interesting local franchise situations presented themselves to the various cities of the country than now. The National Municipal League has always been friendly to the idea of municipal home rule, and the home rule movement has been gaining very considerable headway in recent years. It is especially important, therefore, in the judgment of your committee, that the League should inquire carefully into the significance of this counter movement for exclusive state control in the matter of public utilities, hitherto regarded as one of the most important fields for municipal activity. Upon this matter, as well as upon certain other fundamental issues involved in the general problem of public utility franchises, the League should be prepared to throw light and furnish leadership.

The public utility laws providing for *exclusive* state regulation do not necessarily and directly strike at the principle of municipal ownership, although in some cases they bring municipally owned utilities under supervision to the same extent as utilities owned and operated by private corporations. Nevertheless, there are certain features of exclusive state regulation which tend to make the municipalization of utilities more difficult, and to that extent interfere with one of the most fundamental provisions of the home rule program.

Several points are made in favor of exclusive state regulation.

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[1] This article is the report of the committee on franchises of the National Municipal League presented at the Toronto Conference for good City Government. The report was signed by Delos F. Wilcox, chairman, Robert Treat Paine, James W. S. Peters, Abraham E. Pinanski, Charles Richardson, and Clinton Rogers Woodruff. Prof. Edward W. Bemis, also a member of the committee, contributed valuable suggestions in the drafting of the report, but in the end did not feel able to sign it, for the reasons stated by him in a supplementary memorandum which will be found in the form of a note at the close of this article.

It is said that at the present time there are practically no utilities of a purely local character. Local telephone systems overlap municipal boundaries and are linked up with long distance telephones reaching to distant cities and even transcending state limits. Street railways frequently operate beyond the city limits and even form the nucleus of a great network of interurban lines. Since the development of hydro-electric power, electric current for local distribution is in many cases brought from far distant sources and the same transmission lines often serve many different cities. The same is true of natural gas supplies. It is urged that these conditions make municipal control of these utilities illogical and impracticable.

It is also said that the public service corporations receive their charters from the state, and, therefore, must be regulated by state authority. On behalf of the corporations it is urged that regulation of rates and services involves a corresponding obligation for the protection of the investment, and that such protection is impossible unless the regulating authority is an independent state body, not subject to immediate political pressure from the voters who as consumers of a particular utility clamor for lower rates and better service irrespective of the effect upon the company's financial interests.

It is also said that only the very largest cities are able to bear the expense of supporting local commissions equipped for scientific regulation and that even where a city could afford this expense it is seldom willing to incur it.

It cannot be denied that these arguments have considerable weight. In the opinion of your committee, however, it would be a mistake to forego entirely, on account of these arguments, the principle of municipal home rule and take away from the municipal authorities *all* control over public utility services within the city limits. Several considerations may be urged in behalf of this view.

Granting the undisputed facts as to the development of interurban, state-wide and even national utility systems, it remains true that what are commonly known as public utilities are primarily urban in their character and that they are developed primarily in relation to one or more urban centers. After all, almost every important city furnishes not only the nucleus, but the major part, of the business of the public utilities operated within its limits. With the extension of public utilities to rural and semi-rural districts and with the growth of cities, so that in many cases they touch each other, sanitary drainage and the supply of water, both of which are generally recognized as proper municipal functions, over-reach local boundaries as far as any other utilities. From the standpoint of the city, at least so long as it maintains itself as a separate political unit charged with the performance of coöperative functions for the benefit of its inhabitants, the supply of all the standard utilities will remain a matter of vital local concern, and the transfer of all control of these services, so long as they remain under private ownership, to a distant administrative authority will be in fact as well as in theory a distinct violation of the principle of municipal home rule.

It may also be urged on general principles that the control of all public functions should be localized as much as possible. In this way only can the active and intelligent interest of the voters be aroused and maintained, and the entire machinery of government be kept close to the people for whose benefit it has been created. Also, in this way only can advantage be taken of the local knowledge and the local interest which, given a sound public opinion, are of incalculable benefit in public administration. This consideration would lead us to give the benefit of the doubt to local rather than state regulation and to extend the principle of state control only so fast and so far as the facts make it logical and practically necessary to appeal to a central authority. The soundness of this view is supported by a consideration of the results that would follow from the strict application of the opposite policy. As already noted, many utilities are not merely interurban, but interstate, and according to the logic of those who favor exclusive state control, the utilities that overlap state boundaries should be subject to exclusive national control. This argument would in some places even require international control for public utilities operated in border cities.

It may further be urged, as a practical matter, that the more powerful the corporations become and the more widespread their services, the more important it is that they should be directly answerable to the local communities which they serve. It may easily be possible that an appointive state commission will fall more or less completely under the domination of the powerful interests which control the public utilities of the state, and thus the very machinery provided for the regulation of utilities be captured by the interests presumed to be regulated by it. This is a very real danger. It may be necessary to array against the powerful financial interests of the companies the direct mass interest of the local consumers in order to preserve the vitality of the regulatory function. It should never be forgotten that public utility corporations exist to serve the people, not to control them.

After careful consideration of the various arguments for and against exclusive state regulation, including the arguments presented at the Los Angeles conference by the Hon. John M. Eshleman on the side of state regulation and by Lewis R. Works, Esq., on the side of local regulation, we are of the opinion that in most cases regulation cannot be either logical or effective without the active coöperation of both state and local authorities. It is clear that in a large city with a powerful and highly developed local government upon which devolves the obligation of meeting the complex problems of urban life and of actively guiding the development of the community along rational and progressive lines, it would be a mistake to divest the local authorities of all control over public utilities, even though operated by private corporations.

First of all, a city must have control of its streets. This necessity becomes more acute as cities increase in population and the congestion of street traffic and of the surface, underground and overhead street uses develops.

Then, too, when the problems of congestion of population become serious, a city finds it necessary actively to initiate and control the development of its public utilities, particularly its local transportation system. No adequate city planning is possible without effective control of the development of the public utility systems.

Moreover, as a city increases in size the utilities that in rural communities and in smaller towns are luxuries, come to be absolute necessities of life. Not only must the people of large cities have the various utilities, but they must have a high grade of service at fair rates.

So long as we stand for the idea of throwing upon the people of the city the responsibility for working out their own municipal salvation under home rule, we cannot for a moment accept the proposition that the entire control of the utilities using the city streets should be transferred to a distant authority not politically responsible to the people of the city, and not thoroughly acquainted, by residence in the city, with local conditions and local needs.

At the same time it is clear that in the country and in small towns the public authorities are wholly lacking in equipment for the regulation and control of public utility corporations. This is especially true where utilities of an interurban or state-wide character merely pass through the local communities. For a country town to attempt to regulate an interurban railroad, except as to the most rudimentary questions relating to the occupation of the streets, would be illogical and practically impossible. It appears to be desirable, therefore, that the state public service commission should be given general jurisdiction over public utilities throughout the state, so that there shall be no "twilight zone" within which the companies may escape adequate regulation. We are of the opinion, however, that at least every city of sufficient importance to enjoy powers of home rule in the framing of its charter should have the right to establish a separate department, bureau or commission for the purpose of supervising the utilities operating within its limits, to such extent as may be necessary for the protection of the distinctively local interests of the community. Even in the largest city, with the best equipped utility department, the state commission should still have jurisdiction over certain important matters.

Speaking generally, all those elements of regulation which have to do with the activities of corporations as such and which invite uniform treatment without reference to widely varying local conditions will naturally fall to the lot of the state commission. These matters include the regulation of stock and bond issues, the fixing of a uniform system of accounts, the requirement of public reports and the determination of certain fundamental questions which relate to the stability of the investment. On the other hand, the city, if it chooses to exercise it, should have broad power of control in all matters relating to the occupation of the streets and the character of the services rendered and should be in a position to municipalize the utilities whenever it desires to do so, and for that purpose should have a continuing right to enter into franchise contracts by the terms of which municipalization can be made practicable.

A state-wide public utility law which provides that every franchise granted by local authorities shall be an indeterminate permit, terminable only upon purchase of the property of the utility at a price fixed by the state commission, is, in our judgment, inadequate to protect the interests of the city, and in fact tends strongly to hamper the city in future efforts to municipalize the utilities. This might not be true if the law should provide for the taking over of utilities subject in part to outstanding indebtedness. But in so far as such a law makes it necessary, for all time to come, that when a city wishes to municipalize it must pay in cash the entire value of the property in a lump sum before taking possession, a serious obstacle is placed in the way of future acquisition of utilities. The rapid increase of municipal debt for non-revenue-producing investments is a notorious development of the present day. It is also notorious that the legitimate investment in practically every utility, to say nothing of the unearned increment of land values and the possible allowance by a state commission or by the courts for going value and developmental expenses, is piling up year by year. A state law, therefore, that would prevent a city, once having granted a franchise, from ever resettling its relations with the particular utility by means of a new franchise contract, with provision for the amortization of all or a part of the purchase price out of earnings, or with the option to take over the property subject to outstanding indebtedness, is a bad law from the standpoint of municipal home rule in general and of municipal control of public utilities in particular.

While we do not favor, as a general principle, competition between municipal and private plants, we believe that a city should have the right to build a competing plant rather than buy out an existing utility at an exorbitant price built up by allowances for franchise value, good will, lost investments and other intangible elements often claimed by the companies. If the purchase price is not fixed in accordance with the terms of a franchise contract, the city ought not to be *compelled* to buy the existing plant as a preliminary to municipal ownership, except on the basis of the actual, legitimate investment, with proper allowance for depreciation.

There are certain elements of regulation which lie on the border-line between state and local functions. One of these is the regulation of rates. We are inclined to the opinion that the fixing of rates, which has to do fundamentally with the protection of the investment as well as with the rights of the patrons of the utility, should be recognized as a function in which local and state authorities may properly coöperate. Any city which does not choose to invite the state commission to assume jurisdiction in the fixing of local utility rates and which is willing to bear the expense of an adequate investigation of the facts upon which scientific rate regulation is based should have the right to fix local rates either by contract or by ordinance, subject in either case to an appeal to the state commission to determine whether or not the city has made an adequate investigation and whether or not the rates fixed would injuriously affect the rights of the individual consumers outside the city limits or of other communities necessarily or conveniently served by the same utility plant or system. In the interest of intelligent coöperation between city and state authorities, it might be a good thing to require the state commission to loan its experts to cities for rate investigations for a reasonable compensation wherever the city does not choose to maintain a local commission or employ its own technical assistance.

Another matter requiring the coöperation of local and state authorities is the extension of street railways and other utilities to keep pace with the growth of population and the development of suburban areas. Here the interest of the city is fundamental, while at the same time the investors have a right to protection against the arbitrary demands of local land speculators and over-zealous aldermen.

The extent to which state control of utilities is necessary and the extent to which local control is possible vary greatly in different parts of the country. In states where cities are widely separated, each urban community naturally forms a more or less independent utility center, and municipal control may be developed to a great extent without interfering with the rights of other communities. Moreover, in the case of a great city where the bulk of the service of any particular utility is rendered within the corporate limits, the city's overwhelming "majority interest" in the utility requires the city, for its own protection, to maintain a large measure of local control. Under other circumstances, where cities are bunched together, as they are in eastern Massachusetts and northern New Jersey, it is obvious that unless some new form of coöperation among neighboring municipalities is developed, state control of the utilities will necessarily go much further than is necessary where cities are physically remote from one another.

In view of these various considerations, we suggest that where a city has assumed actively to exercise the functions of regulation, it shall have substantially final authority with relation to the occupation of the streets, the quality of service rendered and the nature of the franchise contract which it may desire to make for the purpose of facilitating the transfer of the property from private to public ownership. In all matters where an appeal lies from the decision of the local authorities, as in the matter of rates or extensions, and in all matters where the state commission has primary jurisdiction, especially in questions relating to competition, accounts and publicity, we suggest that the local department or commission, representing the city's interest and its intelligence on public utilities, have the right to appear officially before the state commission to present the city's case. In other words, in certain important lines of regulation the city should have final authority; in certain other matters the city should have primary jurisdiction, and, in case of appeal, should have the right to be represented officially before the state commission by its local utility experts; while in still other matters the jurisdiction of the state commission should be regarded as normal and complete, but even in these matters the city should have the right to appear in its corporate capacity to make suggestions or to protest against any proposed action affecting utilities that operate within the city limits.

We shall now proceed to discuss certain important questions that arise in connection with franchise contracts between cities and public utility companies.

We believe that a public utility within a given urban community is a natural monopoly, and that one of the first and absolutely essential obligations of such a monopoly is to extend its services to meet all the legitimate needs of the community. In practically every city where the street railway situation presents an acute problem, one of the greatest difficulties is found in the absence of public control in the matter of extensions. To a much less extent the problem of extensions also affects the other principal utilities. There is nothing which the people of a growing city so insistently demand as extensions of the street railway system, and there is no point where the street railway companies more strenuously refuse to recognize public initiative and control than in this matter of building additional lines. A few cities have covered the problem of extensions more or less successfully in their franchise contracts. This is notably the case in Chicago and Cleveland, and the principle is recognized in the new subway contracts in New York.

We are often told that under private initiative American cities have much less to complain of as to the lack of proper street railway extensions than the British cities, where, in many cases, the street railway systems are owned and operated by the municipality. It is true, undoubtedly, that in many cities during certain periods there has been a liberal expansion. It is probable that in some cities, even without the stimulus of competition, there has been an over-building of street car lines. It is to be noted, however, that street railway expansion in American cities has not always been determined by an intelligent regard for the interests of the community as a whole. So long as private corporations, organized for profit, have the initiative with regard to all extensions, it is to be expected that additional construction will be undertaken only where it promises to add to the profits of the enterprise. In other words, a street railway corporation will not of its own volition extend a line for an additional half-mile when all the people who would be accommodated by the extension would simply be receiving additional service without being required to pay additional fares. Congestion of population, except at the very heart of the city, is extremely profitable to the street railways. It is patent to everybody that it requires something more than a purely selfish or profit-seeking motive to compel an adequate and logical expansion of a city's transit facilities as the public need arises.

In dealing with the problem of extensions without any procedure fixed by franchise contract, the city can only guess what the company's controlling motives are and must cast about for substantial inducements with which to overcome the company's financial reluctance. Threatened or real competition has often been used to secure extensions, but competition has almost invaribly proven to be an unsatisfactory and expensive weapon for the city to use. In many cases extensions have been forced upon a corporation as the price of the renewal of franchise rights. This method is of course impossible wherever the perpetual or indeterminate franchise without time limit is in use. Often, also, a situation arises where the company is greatly in need of additional privileges for its own accommodation, and at such times it is possible for the city to drive a bargain by exacting grudged extensions and other concessions as a consideration for the granting of the privileges applied for.

An even more difficult and subtle situation arises where the company is induced for special reasons to make extensions which, from the community point of view, are premature. Such extensions are either made for the sake of helping the real estate speculations of the officials, or principal stockholders, of the company, or else they are made by reason of subsidies given to the company by other persons interested in certain real estate developments. Without any public supervision, the policy of requiring the owners of benefited property to pay for certain street railway extensions has acquired considerable standing in some cities. Indeed, it is well known that certain street railway systems have been over-expanded for the benefit of certain real estate interests, with the result that for many years the prematurely constructed lines are a financial drag upon the system as a whole, and tend to hinder the construction of other extensions which, in the general interest of the community, ought to be built.

The problem of extensions is a delicate and difficult one. Obviously some power of initiative as well as of veto on the part of the public authorities is necessary. At the same time it is clear that any company could be driven into bankruptcy by the arbitrary exercise on the part of the local authorities of unlimited control over extensions. The construction of an extension means an additional capital investment, and the power of the city to order a private company to build an extension is the power to compel the stockholders to put more capital into the enterprise, either out of their own pockets or out of the proceeds of bond issues. While it is our opinion that the local authorities should have the right to initiate extensions, it seems to us necessary that the company should have an appeal to an impartial authority, preferably the state public utilities commission, for a review of the question of the necessity and financial feasibility of any particular extension ordered by the city authorities. It should not be necessary for the city to show that any particular extension which public need demands would be self-supporting as a separate part of the street railway system, but the earning power of the entire system and the effect of the extension upon the financial condition of the company, taken as a whole, should be among the determining factors.

In many cases it may be found that an extension is desirable, the cost of which, nevertheless, would prove an unreasonable drag upon the system as a whole if paid out of capital account. Under such conditions, the persons who will receive the greatest financial benefit from the construction and operation of the extension are, undoubtedly, the owners of the land that will be made valuable for residential or business purposes by reason of the extension. In our opinion, therefore, provision should be made by which an extension could be built out of the proceeds of special assessments, or directly by the property owners, in cases where the construction of the extension would not otherwise be justified, but where the operation of the extension without the burden of fixed charges would not be an unreasonable burden upon the street railway system as a whole and would be of benefit to the community.

Recently, there has been considerable agitation in a number of cities for the use of the assessment plan in the construction of utility distributing systems under public ownership. The same principle should apply, so far as assessments are concerned, whether the utility is to be owned by a corporation or by the city, and in neither case should the portion of the cost of the plant contributed by the abutters be added to the capital account. In this way the general public would get the benefit of lower charges or better service, and, when a private plant was municipalized, the city would get the benefit in a lower purchase price.

With the growth of the great cities, elevated railroads assume large importance locally—though everybody wishes that it were possible to dispense with them in narrow streets and crowded residence sections. When elevated railroads are built in streets, the abutters often recover heavy damages on account of the interference with their "easements of light, air and access." It might help to get rid of the elevated roads where they are not wanted, and, in any case, would lighten the burden on the transportation system involved in the removal and relocation of expensive structures, if the principle of special assessments for benefits were applied to pay the cost of relocations. Certainly, this could be done with justice where the property to be assessed for the benefits of the removal had already been compensated for the damages due to the original erection of the structures.

In Los Angeles last year (1912) there was considerable controversy among the local people as to whether the indeterminate franchise should be with or without a maximum time limit. While there has been a strong development of sentiment in recent years in favor of the indeterminate franchise as a general principle, there appears to be in some quarters a strong counter sentiment against it, unless it has a maximum time limit. This counter sentiment is based on the fear that without any time limit at all the indeterminate franchise will practically amount to a perpetual franchise. The pure indeterminate franchise, as found in the street railway law of Massachusetts and in the District of Columbia, merely provides that the rights of a company may be terminated at any time, at the option of the public authorities. This form of the indeterminate franchise makes no provision for the purchase of the property of a utility at the time the franchise is terminated. The Wisconsin type of indeterminate permit follows Massachusetts and the District of Columbia in not establishing any maximum time limit, but includes the provision that a franchise shall not be terminated unless, at the time of termination, the city acquires the property of the utility at a price to be fixed by the state commission. At the same time the public utilities act of Wisconsin gives municipalities full power to acquire and operate utilities.

It is clear that the Wisconsin type of indeterminate franchise is a sufficient guaranty of the integrity of the investment, so that, from the standpoint of the companies, there can be no reason to complain of it, if they once grant that investments in public utilities are devoted to a public use and should be subject to public control. The advocates of ultimate municipal ownership, however, see considerable danger in the indeterminate permit of the Wisconsin type, for the reason that the franchise runs on forever, unless the city finds itself in a position to pay in cash the entire value of the utility, and the longer the city waits the greater will be the sum required to effect a purchase.

Possibly, under the Wisconsin indeterminate permit a city, in making an original grant of a new franchise, might provide for the amortization of the cost, or a part of the cost, out of earnings within a specific period, or perhaps provide for taking over the property subject to outstanding bonds, or provide that payment shall be accepted, in whole or in part, in bonds secured upon the property itself, and not a charge against the general credit of the city. But it is to be noted that if the city imprudently fails, in its original grant, to make any such contract provision, it is forever debarred from revising the terms of the grant and compelling the company to enter into a new contract under which municipal ownership could be made easy.

Chicago, Cleveland and New York, in their recent street railway and rapid transit settlements, have granted indeterminate franchises within maximum time limits. Chicago provides for the accumulation of a street railway purchase fund out of the city's share of the profits. This provision appears to be wholly inadequate, although it recognizes a correct principle. Cleveland provides that if the franchise is ever permitted to come within fifteen years of expiration without being renewed, the company may begin to charge the maximum fares set forth in the franchise schedule, and use all surplus for the amortization of capital. The New York subway contracts provide explicitly for the amortization of the entire capital within a definite term of years, and so, at the expiration of the contracts, the subways and their equipment will come into the possession of the city without payment at that time. In our opinion, it is important that the franchise should be granted for a definite maximum term, subject to the right of the city to terminate the grant in case it is willing to purchase the property at a fair price prior to the expiration of the grant. The pure indeterminate franchise would be relieved of some of its dangers if the policy of requiring public utilities to adopt an amortization scheme for the gradual reduction of their capital investment for the benefit of the city should be embodied in the general law as a universal and positive obligation.

Experience has demonstrated that one of the most dangerous, and at the same time one of the most powerful, tendencies of the private management of public utilities is to overload the capital account. Aside from the deliberate watering which was a common feature of public utility financing in days gone by, it is customary among utility men to stretch the powers of reasoning to the utmost limits for the purpose of justifying the inclusion of additional items in the capital account. While it is difficult to defend this policy when stated broadly, it seems very easy for a mind friendly to over-capitalization to invent excuses for carrying out the policy in any particular case. It is not our intention in this report to go into the merits of the temporary capitalization of such items as development expenses, losses due to obsoleteness and inadequacy, etc. We desire, however, to state emphatically that in our opinion the experience of the utilities of the country, and perhaps especially of the transportation utilities, has been such as to give a distinct warning against the policy of permanently capitalizing superseded property, accumulated deficits and intangible elements of value. Whatever may be necessary in an adjustment of the capital account, fair alike to the investor and to the public, we are of the opinion that all these elements—sometimes included in appraisals in excess of the permanent value of the physical property—should be written out of capital within a comparatively short period of years. The tendency of the investment to bulge is one that should be as firmly resisted as the tendency to overload a city with debt representing in part improvements that have outlived their usefulness. This policy of holding down the capital account is in our opinion necessary: (1) in order that the investment itself may be safe and stable; (2) in order that rates may be kept within reasonable limits; and (3) in order that the purchase price, which is the touchstone of the franchise contract from the standpoint of possible municipal ownership, shall be brought within the limits of the city's financial ability.

There may be a legitimate difference of opinion as to the advisability of requiring the amortization of the entire capital account of a public utility while it is being held under private ownership. It should be made perfectly clear that the amortization we refer to is not the amortization of the company's bonds for the benefit of its stockholders, but the amortization of the investment itself, represented by both stocks and bonds, as a process for the gradual transfer of the ownership of the property from private to public hands. Some of those who are ready to commit the cities now to a definite policy of ultimate municipal ownership of public utilities, insist that the amortization process should be set in motion and should be carried through to its ultimate limit as will be done under the New York subway contracts. On the other hand, those who desire only to keep the cities in a position where municipal ownership will be financially practicable at any time are inclined to oppose the idea of amortization of the entire investment under the terms of the franchise. They say that the intangible elements and the superseded property should by all means be amortized so that the intrinsic value of the property for operation will at all times be sufficient security for the purchase price. They believe that as a result of this conservative relation between the capital value as represented at any time in the purchase price and the actual value of the tangible property, it would be possible for any city which had properly conserved its credit to take over the utility and raise all the funds necessary for the purpose, either by the issuance of self-sustaining bonds exempted from the debt limit, or by the issuance of bonds against the property and earnings of the utility itself.

As between these two theories as to the extent to which the amortization policy should be carried, your committee does not feel called upon to choose at this time, but all of us favor going *at least* as far as the second would carry us. We believe that the time is ripe for urging the recognition of the amortization principle in all franchise contracts, and would further state that in our opinion the tendency will be to amortize too slowly and too little rather than the reverse.

Within the past few months the threatened repeal of the franchises granted under the so-called Rogers law in Ohio some years ago has created an intense discussion of the question of good faith in the relations between the public authorities and the franchise-holding corporations, especially in Cincinnati. It is claimed by the proponents of the proposed repeal that such action may be lawfully taken under an old section of the Ohio constitution which provides that no special privilege shall ever be granted which is not subject to revocation by the general assembly. The usual allegations of over-capitalization, bad service, corrupting political influence, etc., have been urged against the Cincinnati company as furnishing sufficient reason why the alleged option reserved by the constitution should be exercised. We do not desire to give judgment upon the merits of the Ohio case, but we desire to call attention to the fact that the ethics involved in an attack upon outstanding long term or perpetual franchises by legislation, litigation, bargaining or other forms of coercion, is bound to be an issue of far reaching importance in many states and cities in the near future. The existence of perpetual franchises in the public streets, or of such franchises running past the life of a generation, has come to be considered as being wholly contrary to sound public policy and inimical to the future welfare of the cities.

It has been hoped that the disadvantages of the perpetual franchise could in some measure be overcome by the exercise of continuous regulation through the police power. One of the primary difficulties in the way of the success of this policy is that no adequate means has as yet been devised and proved to require companies enjoying perpetual, irrevocable franchises actually to extend their lines and render the service which the growth of the community demands when it demands it. The tenacity with which the companies resist the relocation of street car lines involving the surrender of any portion of any line for which perpetual rights are claimed is a continuing obstacle in the way of the proper development and control of the transit system in any city where perpetual franchises are outstanding.

We do not deem it necessary at this stage of public enlightenment to urge at length the iniquity of perpetual public utility franchises in public streets. If, however, it is true that the perpetual franchise is a perpetual menace to essential public control and reasonable service, it follows not only that no perpetual franchises should be granted, but that means should be devised to recover those now outstanding. In fact, the attempt to mix perpetual franchises with short-term or indeterminate franchises in the same city is a good deal like the attempt to mix oil and water. As a rule, where important perpetual franchises exist they are the old franchises, on the central streets, representing the most profitable field of operation. No city can ever adequately control the development of its transit system, for example, unless it can control the portion of the transit system that operates in the business district. It seems to us largely futile, therefore, for charter commissions to write into new charters elaborate provisions governing the granting of new franchises, which, if they apply at all, will apply only to outlying areas, to relatively unimportant extensions, or to competing lines in the back streets. A charter full of franchise safeguards that apply only to future grants, while the entire profitable area of the city is already occupied by utilities operating under perpetual rights, is a delusion in law-making.

Therefore, in our opinion, it is essential to the proper development of the utilities of any city and to the full realization of the principles of public control, that, in all cases where the outstanding franchises run in perpetuity, or for unreasonably long periods, the city should definitely set about devising means for recapturing them. While it is our opinion that every legitimate investment in a necessary public utility should be carefully protected, we do not believe that franchises as such should be irrevocable, or that they should have special value apart from their function of giving life to the property of the utility.

There is a well established rule of law that all grants involving franchise rights in the streets should be construed strictly and strongly in favor of the public. In many jurisdictions this rule has come to be known chiefly by the exceptions to its enforcement. We believe that it is a sound rule and should be strictly applied, especially in all cases involving franchises the terms or conditions of which are clearly contrary to sound public policy. We think, therefore, that the municipal and state authorities are justified in using legislation, litigation, taxation, negotiation and all other available means to secure the termination of perpetual and very long term franchises, and to compel a readjustment of outstanding rights on the basis of thorough-going protection of the investment under the terms of new franchises which will recover to the city the control vitally necessary to its future welfare.

It was supposed that the Greater New York Charter, adopted some sixteen years ago, inaugurated a fairly up-to-date and enlightened franchise policy so far as future grants were concerned. Yet since that time the city granted for practically nothing a street railway franchise to a terminal freight railroad to operate in certain streets in South Brooklyn. This franchise was granted for a period of twenty-five years, with the grantee having the right of renewal for another period of twenty-five years upon readjustment of the rental. Today New York city, less than ten years after making this grant, is devising a plan for a municipal railroad along the Brooklyn waterfront including the route covered by this franchise; and the franchise itself, which the city now thinks of buying back, has been appraised at over two million dollars. We do not believe that it is possible for cities to treat perpetual franchises or 999-year grants as worth the face value claimed for them by their owners, and at the same time attempt, either by negotiation or by condemnation, to acquire the utilities, paying the alleged value of the perpetual franchises. We regard it as highly impolitic and unethical for the city to perpetuate these burdens upon the future so long as there are means left within the power of the state, or the city, to destroy or at least greatly reduce these illegitimate franchise values, which, if capitalized, could never be sustained either under private or under public ownership, except on the basis of exorbitant rates or subsidies from taxation.

In the foregoing we have discussed as briefly as possible a few of the major points involved in the franchise problems of the country which are now in process of solution. There are many other points which might properly be discussed in this report. We have limited ourselves, however, to a few points in order that our recommendations should stand out more clearly and avoid the confusion of fundamental principles with less important details.[2]

[2] While agreeing in the main with the able views presented in this report, I doubt the wisdom, at the present time, of lodging in any state commission any control of the capitalization, or of the rates of public utilities in larger cities, especially west of New York State.—EDWARD W. BEMIS.

PUBLIC UTILITY LEGISLATION IN ILLINOIS

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"AN ACT to provide for the regulation of public utilities," passed by the forty-eighth general assembly of Illinois raised a storm of protest, especially in Chicago, which warrants some consideration of a measure, which might, from one point of view, be considered merely as the belated adoption by a backward state of a policy already established by the more progressive commonwealths. A law similar to that which made Wisconsin famous as a leader in the progressive movement, has been demounced as marking the lowest depths of infamy in Illinois. The action of Governor Dunne, in signing the bill to establish a policy supported by Governors La Follette, Hughes and Wilson, has been held to be a reactionary step. And it has been seriously urged that the supposedly conservative state of Illinois had already established a more successful method for dealing with public utility problems than the much heralded state commissions of New York, Massachusetts and Wisconsin.

The criticism and discussion of this measure raise large questions as to the degree of conflict between various distinguishable lines of policy which have been developing contemporaneously in this country; and should lead to a closer analysis of how far such conflict is necessary, and to what extent the different movements may be combined into a harmonious system. In dealing with the control of public utilities, there are the two distinct tendencies towards regulation by governmental authority and regulation by contract. In the last number of the NATIONAL MUNICIPAL REVIEW, Mr. Wilcox explained the new rapid transit contracts in New York City, which have been made in addition to a far reaching power of regulation by a state commission. In a similar way the new Illinois law may be considered, not so much as abolishing regulation by contract, as supplementing it with a large measure of regulation by governmental authority.

But the regulation of public utilities forms but one phase of larger movements. In recent years there has been much headway made in extending the field of municipal home rule, and at the same time in concentrating administrative responsibility and in the development of state administration in various fields. All of these have been commended as steps of progress. The Illinois public utility law has been bitterly condemned as a backward step in the movement for municipal home rule. Yet it also brings about a marked concentration of administrative responsibility and extends the domain of state administration. Are these different movements necessarily opposed? If so, which is the best line of progress? If not, how can they be harmonized with each other?

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These questions are raised here, not for the purpose of offering a final answer, but to show some of the issues involved in a discussion of the Illinois public utility law. They may also serve to call attention to the danger and difficulty of attempting to solve large and complicated problems by applying a single principle or phrase, when a plexus of factors calls for a careful consideration of the proper correlation of different forces.

Turning more definitely to the Illinois situation and the steps leading to the passage of the recent law, it may not be amiss to note that in the early seventies, Illinois took a leading part in the movement of that time for the regulation of public utilities through a state commission, by creating a railroad and warehouse commission with power to regulate rates. And it was the litigation over the Illinois law of that time, which established—in the case of *Munn vs. Illinois*—the doctrine that the state could regulate business affected with a public interest.

Following this legislation Illinois remained for a long time in a quiescent condition. It was not until 1911 that the railroad commission had its jurisdiction extended to include express and other transportation companies operating on railroad lines or to embrace the larger powers over railroad transportation conferred by the later laws of other states and the amendments to the inter-state commerce law.

As to other public utilities, some provisions were made for municipal control. The constitution of 1870 requires the consent of the municipal authorities to the grant of street railway privileges in the public streets. By statute, the term of new street railway franchises is limited to twenty years, and frontage consents must be secured, and in some cities a popular vote is required. Municipal ownership of water works and street railroads have been authorized, under certain conditions; and the power of cities and villages to light the streets has been held to include the right to establish a municipal plant for that purpose. More recently the city of Chicago, by special legislation, has been given authority to regulate gas, electric light and telephone rates.

Under these laws, the city of Chicago has made notable contributions to the solution of public utility problems. The street railway ordinances of 1907, following an active contest comparable in duration and intensity with the Trojan war, formed a striking landmark in the recent development of the policy of regulation by contract. Yet critics have urged that within these ordinances, as in the gift of the Greeks, are provisions which may open the door to the enemy; complaints and dissatisfaction with present conditions within the city are increasing; while the suburban districts feel that the present arrangements fail to meet their needs. Rates of other utilities have also been regulated by the city council; but the effective ordinances have been passed by agreement with the utility companies; and an ordinance fixing gas rates (following a political campaign for 70-cent gas) is now in litigation.

In some of the smaller cities, recent public utility franchises have more carefully guarded the public interests than those of earlier years. But in none of these cities is there any adequate legal power of continuous regulation; while the public utilities are rapidly extending their field of operations beyond municipal limits, and the financial control of these utilities is becoming still more strongly centralized.

At the legislative session in 1911, a committee of the Senate was appointed to investigate public utility conditions in Illinois and the laws of other states, and to report to the general assembly of 1913. The personnel of a majority of this committee, and its methods of investigation have been critized, as looking towards the protection of the utility companies rather than the public interests. Its report when presented late in the session gave some grounds for confirming this opinion.

Nevertheless the general opinion in favor of legislation for the regulation of public utilities was shown in the state platforms of the three leading political parties in the campaign of 1912. All of these declared in favor of such legislation, two of them distinctly supporting a state commission, while none of them mentioned the topic of municipal control which became so important in the discussion during the legislative session.

Some of those who had considered the question were of the opinion that the special conditions in and around Chicago were comparable to those of New York City; and those acquainted with public opinion in Chicago realized that there would be strong opposition to transferring the powers of that city to a state commission. That similar opinions, in favor of municipal rather than state control, existed in other cities did not attract attention until a meeting of the officials of commission governed cities held in Springfield in the latter part of December. At this meeting an address was delivered by Mr. E. W. Bemis in favor of municipal control of local utilities; and the organization adopted resolutions in favor of this plan.

Governor Dunne, in his inaugural address to the general assembly urged legislation for the regulation of public utilities on a plan combining both state and municipal control. He favored a state commission to control the capitalization of all public utility companies, and to regulate interurban utilities; while municipalities should be given powers of regulation over urban utilities and authority to own and operate municipal plants.

During the session a number of public utility bills were introduced. One closely followed the New York law, providing for two coördinate commissions, one for the city of Chicago to be appointed by the mayor, and one for the rest of the state to be appointed by the Governor. Senator

Dailey, for a majority of the senate committee of the preceding general assembly, introduced a bill for a single state commission to regulate all public utilities other than those under the jurisdiction of the railroad and warehouse commission, and providing for indeterminate franchises. Senator Glackin, for the minority of the Senate committee, introduced a bill representing the views of the city administration of Chicago. This proposed a state commission for the state outside of Chicago, with powers similar to those proposed by Governor Dunne; a city commission for Chicago, to be appointed by the mayor, with full powers over capitalization, reports, accounts, rates and services of all public utilities (including steam railroads) within the city; and provided for municipal regulation of rates and services by other cities of over 20,000 population.

The administration bill, which had been drafted by members of the department of political science of the University of Illinois, in coöperation with Mr. Bemis and representatives of the smaller cities, followed the recomendations of the governor. It provided for a state commission to take over the functions of the railroad and warehouse commission, to regulate reports, accounts and capitalization of all public utility companies, and to regulate rates and services of all public utility companies other than those under municipal regulation. Cities of over 25,000 population were to be given power to regulate local rates and services of public utilities operating within their limits, but with provisions by which any city by popular vote could surrender its authority and permit the state commission to exercise jurisdiction over the local utilities.

Criticisms of these measures soon appeared. The city council of Chicago adopted resolutions opposing any bill which reduced its authority,—as would be the case under either the Dailey bill or the Glackin bill. Some of the smaller cities objected to the population limit for municipal powers. The public utility companies opposed municipal control of rates, and favored concentrating control in a state commission. As the outcome of various conferences, the administration bill was revised and reported as a house committee bill. This followed in the main the plan of the original administration bill; but with the provisions for municipal control of rates and services elaborated in considerable detail, to meet the wishes of the city administration of Chicago. The municipal powers were given primarily to the city council. Provision was also made by which the smaller cities could, by popular vote, exercise the same powers over local utilities as the larger cities.

The committee bill was reported to the house late in the session; and on the floor of the house, in addition to some minor amendments, the article providing for municipal powers over local utilities was striken out by a close vote. Following a vigorous protest by the city council of Chicago, supported by the governor, the senate reinserted the article on municipal control, and also struck out the provision for control of stock and bond issues. The house failed to concur in the senate amendments; and the senate, on the last night of the session, receded from its amendments.[2]

While the bill was in the hands of the governor, a veto was vigorously urged by the mayor, council and various civic organizations in Chicago, and by municipal officials of other cities. But a resolution asking for a veto was defeated at a meeting of the Mayors' Association of Illinois, in session at this time. The governor, in signing the bill issued a statement that, apart from city officials, he had received more requests to sign the bill than in opposition, and justified his action as the only way to insure any effective regulation of public utilities, while the law might later be amended to provide for municipal control of local utilities.

It is probable that many members of the general assembly who voted for the bill in the closing rush of the session had no thorough comprehenson of all the provisions of the complicated measure. The same may be said of many of those who have criticised the law, without examining its provisions or their relation to previous legislation. The law, which goes into operation January 1, 1914, provides for a state public utilities commission of five members, to be appointed by the governor and senate, to exercise extensive powers of regulation over all public utility companies—including steam, inter-urban and street railroads, express and other transportation companies, telegraph, telephone, lighting, water and power companies, grain warehouses and wharfingers. The powers and duties of the commission have been carefully worked out on the basis of a comprehensive study of the legislation of other states. These include control over reports and accounts, the issuance of stocks and bonds, valuation of property, and regulation of rates and services, with extensive powers of inquiry and investigation. The main principles of the law are similar to those of the Wisconsin law; but with two important differences which leave larger powers to municipalities than in Wisconsin —there is no provision for indeterminate franchises, and the state commission has no jurisdiction over municipal plants. The administrative provisions, regulating the procedure before the commission and review by the courts, have been prepared with unusual care.

The omission of the article granting municipal powers of regulation over local utilities seriously alters some of the principles of the original bill; and the haste with which the amendments were made have left some minor inconsistencies in the law, and have also left uncertain some more important matters, as to the effect of the law on the previous powers of municipalities, which should have been made clear if the bill had been originally prepared to give the state commission as extensive powers over local utilities as it has in the form the bill has become law. Nevertheless, the law as it stands, is substantially a consistent and coherent piece of legislation. The omission of the article on municipal powers does not directly repeal any of the existing powers of cities; and the indirect effect on existing powers is less than has been assumed by many critics of the measure. The law does not nullify existing contracts, such as the Chicago street railway agreements of 1907. It does not take away from the local authorities the power over new franchise grants in the public streets. It does not even repeal the power of the city of Chicago to regulate rates of certain public utilities; though it is probable this authority will be made less effective, as the companies are likely to prefer to go to the state commission instead of bargaining with council committees.

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[2] In the house the municipal article had been stricken out by a vote of 69; and later 70 members voted to concur in the senate amendments, but this was not a majority of the whole number, as required at this stage. The bill was passed in both houses with the aid of votes by friends of the governor who had supported the municipal home rule provisions.

Attention should also be called to the comprehensive municipal ownership law passed this year, which greatly enlarges the powers of cities to acquire and operate public utilities.

Amendments to the public utilities law will be needed, at least to make clearer the line of demarcation between the powers of municipalities and the state commission. Vigorous efforts will also be made to enact the omitted article on municipal powers; and the governor has been urged to call a special session of the general assembly for this purpose before the law goes into operation. The nature and extent of changes in the law will, however, be much affected by the character of the first commissioners and the effectiveness of their work.

As to the merits of the proposed provisions for municipal control of local utilities, the opinion of the writer differs both from the law as enacted and from the bill in its earlier forms. The situation in and around Chicago is one which calls for special treatment, and one where a large measure of local control seems to be warranted. But the local problems concern more than the city of Chicago; and there is need for the recognition of the larger metropolitan district. There is also need for an administrative body with powers of continuous regulation over all public utilities, in place of the present system of divided responsibility through a number of committees and boards. For some of the other large urban areas a case might also be urged for a local commission. But for most of the cities in the state the local and inter-urban problems are so interwoven, and the financial resources of the municipalities are so limited, that effective regulation would seem to call for the larger resources and powers of a state commission, at least as an appellate authority over the regulations of local authorities.

MUNICIPAL VS. STATE CONTROL OF PUBLIC UTILITIES

BY PROF. J. ALLEN SMITH

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THE movement to take the control of municipal utilities out of the hands of local authorities and place them under a state commission, is a recent one, yet the plan proposed has already been adopted in many states, and from present indications it seems likely that it will soon be the generally accepted policy in this country. Some plausible arguments are advanced in support of this new policy, and many sincere reformers are giving it enthusiastic support, believing that it will secure effective regulation of public utilities within our cities. The arguments in favor of state control have been much discussed in the last few years and are familiar to all students of municipal government.

There is, however, one phase of the question that has received little, if any, attention at the hands of those who have advocated state control of municipal utilities. This policy has been urged and adopted as a means of securing more effective regulation of such utilities in the interest of our urban communities. Nevertheless, it does not follow that cities will be better protected under the system of state regulation. It is worthy of consideration that this agitation for state control is subsequent to the great popular movement to place municipal government in the hands of the people of our cities. It was not in evidence so long as cities were dominated by political machines subservient to the special interests. Only since municipal democracy has appeared with its insistent demand that the people of our cities shall have the control of franchises in their own hands, has the movement for state control acquired an apparently irresistible force. It has not come as a popular demand from the cities themselves. Indeed American cities have learned from a rather bitter experience that constant vigilance has been necessary to prevent public utility corporations from foisting upon them through the state government, franchise and other legislation advantageous to such interests, without much regard to the welfare of the people directly concerned. No fact in recent municipal history stands out more clearly than that the state government has failed to protect cities against the abuses of public service corporations operating within their limits. Not only has the state failed to afford adequate protection, but it has tied the hands of the city in dealing with these corporations, until it is unable to protect itself. This situation has been brought about through both legislative acts and court decisions.

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[1] Dean of the Graduate School of the University of Washington.

A study of recent municipal history makes it evident that the evils of American municipal government have been due to two main causes: (1) the exercise of control by the state over matters that are, and ought to be regarded as local, and (2) the lack of municipal democracy. The effort to solve this problem has taken the form of a demand for home rule and the right to organize municipal government in such manner as to make it more responsive to local public opinion. Within the last ten years much progress has been made in the direction of responsive municipal government. With this greater accountability of public officials in our cities to the municipal public, there is little danger that such powers of regulation as may be entrusted to local authorities, will be exercised to the detriment of the local population.

It is urged, however, that municipal authorities can not be trusted to regulate local utilities, since this would mean regulation by an interested party—the local public. It is easy to see that such an argument would be acceptable to local utility corporations subject to regulation, but it would be difficult to reconcile any such contention with the general viewpoint of democracy. If cities can not be trusted with the powers needed for effective regulation of local utilities, merely because they are interested in the results of such regulation, then it would likewise follow that neither a state government nor the national government should have the power to regulate railways, trusts, or other matters in which the people of an entire state, or the country as a whole, are interested. Indeed this argument of which much is made in the recent literature concerning regulation of municipal utilities, is really based upon the old undemocratic conception that the control of governmental functions should not be entrusted to the majority of the voters.

No principle of political science is more self-evident than that regulation to be effective and in the interest of the public, must be entrusted to some governmental authority directly responsible to those who would be benefited by effective regulation. To deprive a city of all power to regulate matters in which it is vitally interested, and to transfer this function to the state government whose constituency is not directly or vitally interested in effective regulation of such matters, is to remove the only guarantee that local interests will be protected.

This political movement to substitute state for municipal regulation of local utilities has its origin in the efforts of corporations operating under municipal franchises, to protect themselves against the consequences of rising prices. From 1873 until 1897 prices were upon the whole rapidly declining. This too was the period when municipal utilities were coming to be recognized as a highly profitable field for the investment of private capital. This period also represented the high-water mark of corruption and irresponsibility in the government of both city and state. Franchises were procured easily and without much regard to the rights and interests of the public affected thereby. Inasmuch as the general tendency of prices was downward, public utility corporations, operating under franchises authorizing them to charge a fixed price, enjoyed as against the public, all the advantages of a constantly increasing rate for service. This downward movement of general prices, taken in connection with the fixed money charge authorized in the franchise grants, made it to the interest of the public utility corporations to regard franchise provisions fixing the price for service, as a contract, protected by the constitution of the United States, against modification by city or state in the interest of the public.

The view that a franchise is a contract is expressed in a decision of the United States supreme court as recently as March 3, 1902 (*City of Detroit vs. Detroit Citizens' Street Railway Company*, 184 U. S. 368). The common council of Detroit attempted to reduce the rates of fare on various street railway lines of the city. This was opposed by the company on the ground that the ordinances providing for such reductions were in violation of the federal constitution, "because they impaired the obligation of contracts." The contention was made on behalf of the city of Detroit that the franchise did not constitute a contract as to rates of fare and that such rates could be reduced by the city. The court held that the provision in the franchise that the rate of fare for one passenger should not be more than five cents, did not give any right to the city "to reduce it below the rate of five cents established by the company. It is a contract which gives the company the right to charge a rate of fare up to the sum of five cents for a single passenger, and leaves no power with the city to reduce it without the consent of the company."

As mentioned above, it was to the advantage of public utility corporations to have this view of the franchise sustained, since it deprived the public of the power to make such reductions in public utility rates as were necessary to prevent them from becoming a constantly increasing and unjust burden upon the public. It was but a few years after 1897, however, before the representatives of public utility corporations began to realize that the general downward movement of prices following 1873, had given place to an era of rapidly rising prices. Under this new situation the public utility corporations faced the possibility of diminished income, unless something could be done which would permit the increase of rates above the maximum fixed in the franchise. It was, of course, readily seen that such increases in rates as might be desired, would be difficult to bring about, if the consent of the municipality concerned were required. The people directly affected by any proposed increase of this sort would have to be convinced that a reasonable return could not be secured on the basis of a fair valuation, by honest and efficient management of the business, before they would consent to any increase in the rates fixed in the franchise.

From the point of view of the public utility companies, it was good policy to further the substitution of state for municipal regulation of these matters. And although this has been advocated on the ground that it would secure a more equitable adjustment of such controversies, in that it would ensure a disinterested regulating agency, one can scarcely resist the conclusion that public utility support for this proposal has in view something more than mere equity to all parties concerned. In addition to the fact that state regulation would evade the inconvenience of responsibility to a constituency directly affected by such regulation, it would also make it possible to preserve the contract theory of the franchise and at the same time obtain some increases in franchise rates. The view that the supreme court of the United States affirmed in the Detroit case could easily be adapted to the new situation. To hold that the franchise is a contract under the protection of the federal constitution, does not preclude the possibility of modifying its terms, if both parties consent thereto. The substitution of the state for the city as the party public to the contract, was the first step toward meeting the needs of this new situation. By placing in the hands of a state commission the authority to act for and as the representative of the public interest, with power to bind the public by its acts, the public utility corporations hoped to lay the foundation for possible increases in rates without jeopardizing the view that a franchise is a contract. Nor can it be denied that our experience has to some extent justified the corporate expectation of lenient treatment at the hands of state commissions. State control, instead of protecting cities against exploitation at the hands of their public utility corporations has only too often been exercised in the interest of corporate domination.

Even a young state, such as Washington, furnishes many illustrations of the danger that state control of local utilities will be exercised too largely from the point of view of the public utility corporations. In 1911 the state legislature enacted the public service commission law. By this act the jurisdiction of the railway commission was extended to include municipal utilities and its name changed to that of the public service commission.

Prior to the creation of this commission state control over local utilities, in so far as it had been exercised, had been exercised through the legislature and the courts. One might expect to find in the attitude of these two branches of the state government some indication of the results that may possibly follow complete state control under the public service commission plan.

A careful examination of the decisions of the supreme court of Washington, relating to municipal utilities, indicates an attitude of mind on the part of the court more or less tinged with the corporation viewpoint. In 1899 the city council of Seattle granted a blanket franchise to a newly organized street railway corporation—the Seattle Electric Company. This corporation was to take over and consolidate the lines of various independent street railway companies. The franchises of these separate corporations were to be surrendered and all the lines operated under the new franchise. The legality of the new blanket franchise was contested on the ground that it was in conflict with a provision of the charter of Seattle which prohibited the extension of any franchise until within three years of the expiration of the time for which it had been granted. The court held that this charter provision could not prevent the surrender of the old franchise at any time in return for one having a longer term to run. (*Wood vs. Seattle*, 23 Wash. 19.) To guard against the consequences that might possibly result from this decision in the future, an amendment to the charter of Seattle was adopted in 1908, which provided that the city council could not extend any existing franchise or grant any new franchise covering all or any substantial part of the rights and privileges of any existing franchise until within three years of the expiration of the existing grant, and then only after submission to, and approval by majority vote of, the qualified electors. An amendment was also adopted, the object of which was to prevent the possibility of new franchise grants being made, which would extend the rights of the company on additional streets beyond the termination of the original blanket franchise.

The validity of these amendments was attacked by the street railway company and a decision was handed down by the supreme court, which declared them null and void. This decision effectually deprived the first class cities, which were supposed to enjoy the constitutional advantages of home rule, of all power to control the conditions under which street railway franchises were granted. It is interesting to note that this decision, which gave to the city councils practically unlimited power in relation to the granting of street railway franchises, was written by a member of the supreme court, who afterwards resigned from that body under the pressure of public opinion, because he had submitted a decision, affecting the Great Northern Railway, to its legal representative for revision and approval, and afterward filed the opinion thus revised and approved as his own. The street railway case above referred to is that of *Benton vs. The Seattle Electric Company* (50 Wash. 156). The opinion in this case was by Judge Root, and it has been reaffirmed in subsequent decisions of the supreme court.

The point upon which these decisions turned was the meaning of the expression "legislative authority of the city," as used in the home rule provision of the state constitution and in various statutes relating to the granting of street railway franchises. The act of the legislature of 1890 relating to the powers of cities of the first class, which were by the constitution authorized to frame charters for their own government, provided that "the legislative powers of any [such] city . . . . shall be vested in a mayor and a city council . . . . to have such powers, as may be provided for in its charter (L. 1890, p. 223, §6). The expression "the legislative authority of the city" as used in this and subsequent acts of the legislature has been interpreted by the supreme court to mean the mayor and the city council, and to render illegal any attempt by the people of the city to limit this power, either by charter provisions prescribing the conditions in accordance with which it shall be exercised by the council, or by direct participation of the voters through the referendum as applied to street railway franchises.

A very recent decision of the supreme court of Washington (*Dolan vs. Puget Sound Traction, Light and Power Company*, March 3, 1913) clearly indicates the attitude of that body toward the question of municipal control of local utilities. In its decision in this case the court says that "the power to grant franchises is a sovereign power. . . . . When the legislature of the state authorizes cities of the first class to frame their own charters, and says that the powers, duties, and functions shall be as provided therein with respect to their own government, it can not be reasonably claimed that the right to grant franchises is included therein; (1) because such grants must be direct and clear, and (2) because the grant of franchises is not a part of their 'own government,' but a delegated power of the state."

It should be observed that the constitutional provision authorizing cities of 20,000 or more to frame charters for their "own government" was ignored by the court in this decision, the legislature being regarded as the sole source from which cities of this class derived their powers. An analysis of these decisions of the supreme court of Washington, brings out clearly the attitude of the court toward municipal self-government. The decisions of that body have uniformly recognized the right of cities, acting through the city council and the mayor, to grant franchises to street railway companies. According to the court this power "to grant franchises is a sovereign power" delegated by the state and cannot be exercised by cities unless expressly delegated to them. The legislature has, it is true, expressly conferred this power upon "the legislative authority of the city," but the court has held that for the purpose of granting franchises to street railway companies, the legislative authority is vested exclusively in the council and mayor, notwithstanding the statutory provision that these officials of the city "are to have such powers as may be provided for in its charter." If this provision means any thing at all, it means that the people of the city have the right to prescribe in their charter such conditions and safeguards as are designed to protect their interests. But although the granting of franchises is from many points of view the most important matter with which municipal government has to deal, it is according to our supreme court, nevertheless, a sovereign power entrusted only to the representative agency of the mayor and city council, whose discretion in its exercise can not be limited or controlled by the people of the city.

It is evident that these decisions are really based on the political belief of the court that it is dangerous to allow the people of a city to exercise any direct control over what they call the "sovereign power" of granting franchises. Their readiness to recognize the practically unlimited power of a representative body over this important matter, and their refusal to recognize the people of a city as entitled to any direct voice in a question that so directly and vitally concerns them, shows clearly their attitude toward the new movement to establish municipal democracy with real powers of local self-government.

The conclusion arrived at by the court in these cases is also difficult to defend in view of the fact that a statute enacted by the legislature in 1903 authorizes the submission by initiative petition of charter amendments "providing for any matter within the realm of local affairs, or municipal business" and their adoption by a majority of the voters voting thereon. And yet in spite of this and other acts which expressly recognize the right of the people to control the exercise of such legislative power as has been delegated to cities, the court holds that the franchise granting power, although delegated to cities, can not be brought under the direct control of the people.

The attitude of the court in the matter of franchises is made still more difficult to explain, when compared with its decision in *Walker vs. Spokane* (62 Wash. 312), decided March 3, 1911. This case involved the legality of the commission form of government, adopted by Spokane in December, 1910. It was the contention of the plaintiff in this case that the statutes of this state had made the mayor and council the legislative authority of a city, and that the new charter by merging the legislative and executive powers of the city officers in the hands of a commission, subject at all times to the direction of the people by the initiative, referendum and recall, was in violation of the statutes of the state. In upholding the commission form of government, as the court did in this case, it expressed the view that the act of 1903 authorizing the amendment of city charters by the initiative and referendum, had the effect of granting "larger and more extensive powers to the city government, and that the limitation in the former law, to the effect that the legislative powers should be vested in a mayor and a city council, had been modified."

The reasonable interpretation of the expression, "the legislative authority of the city" adopted by the court in this case, was rejected entirely by that body when the same point was brought up again in a case involving the right of the people to exercise control over the granting of franchises. It is difficult for a layman to see how the court's decision in the Spokane commission government case can be reconciled with its franchise decisions. But whatever the court's attitude toward the wisdom of commission government may be, one fact is perfectly clear—it unequivocally denies the right of the people to exercise any direct control over public utility franchises.

The public service commission bill, as originally introduced, in 1911, contained a provision giving the commission control over municipally owned and operated utilities. A determined fight against this feature of the act by cities owning public utilities, finally resulted in its elimination. The attempt to put municipally owned utilities under the control of the commission was renewed in the legislature of 1913. The public utility corporations were actively and openly working to bring this about and were supported in this effort by the state public service commission. The plan of the public service commission and the corporations failed again only after strenuous opposition from the cities, and from present indications the effort to deprive cities of the control of their own utilities will be renewed when the legislature meets again. The members of the old commission have since resigned, but two of the former members of that body are publicly supporting the movement which the utility corporations are pushing to take the control of publicly owned utilities out of the hands of the cities. One of the reasons given in support of this proposal is the competition of publicly owned plants. It is not difficult to see that this is indeed the main reason why the corporations are trying to deprive cities of the right to manage their own utilities. Cities like Seattle and Tacoma, owning large and efficient light and power plants, have greatly lessened the cost of light and power to consumers. The competition of public plants has in fact been the only available means of protecting the public against excessive charges for such service. And now that these municipal undertakings are accomplishing what direct regulation has heretofore failed to accomplish, the private corporations thus subjected to indirect but effective municipal regulation, are making a persistent attempt to deprive cities of this means of protection.

Another feature of the public service commission act deserves mention. It contained the provision that "no street railroad company shall charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town." This clause was probably necessary to ensure the enactment of the bill as a whole. The Stone and Webster interests through the daily papers had called the attention of the public to the decreased purchasing power of money and sought to lay the foundation for the claim that the five-cent fare fixed in the franchise represented insufficient remuneration for the service rendered. If this provision had not been included in the law, the commission would have been able on the application of the street railway companies to order an increase in rates above the maximum of five cents fixed in the franchises. At the next session of the legislature (1913) an effort was made by the corporations to secure the repeal of this limitation on the powers of the commission. The effort failed through the active opposition of the cities affected.

Defeated in the legislature the corporations turned to the courts. The penalty provided for violation of the five-cent fare provision of the public service commission act was "imprisonment in the county jail for not more than one year" or a fine of not more than $1000, or both. An official of a street railway company was convicted in the justice court of Seattle for violating this provision by collecting a ten-cent fare. The superior court and the supreme court both sustained the demurrer of the defendant, holding in substance that this was unconstitutional in that it deprived street railway corporations of rights without due process of law (*State of Washington vs. Crawford*, July 8, 1913).

In view of such facts as those above mentioned, it is not surprising that public service commission control of local utilities should be regarded with some apprehension. Our experience under state commission control has as yet been somewhat limited, but one case may be referred to which shows the possible advantages of the plan to public utility corporations. An application was made to the commission for permission to increase the rates charged by the Independent Telephone Company of Seattle. This proposed increase above the maximum fixed in the franchise granted by the city, was opposed by the municipal authorities. The commission authorized the increase in rates and the supreme court upheld its decision (*State ex rel. Webster vs. Superior Court*, 67 Wash. 37).

It may be claimed that if such a commission has the authority to increase rates above the maximum fixed in the franchise, it also has the power to reduce them. This conclusion, however, does not necessarily follow. If the view affirmed by the supreme court of the United States in the Detroit Citizens' Street Railway case should be upheld by that body in the future, it would seem that the contract theory of the franchise might be successfully invoked by the corporations to prevent rate reductions, since this would be an attempt to reduce rates authorized in the franchise "without the consent of the company." Until such time as the supreme court of the United States abandons entirely the contract theory of a franchise, the advantage which will accrue to our cities as a result of the public service commission movement may be regarded as questionable.

One argument of which much is made by the promoters of state control through a commission, is that such a plan will take the question of public utility control out of politics. It is easy to see that in depriving

PROPORTIONAL REPRESENTATION, PREFERENTIAL VOTING, AND DIRECT PRIMARIES

BY CLARENCE G. HOAG[1]

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NEITHER "direct" nor any other kind of primaries can serve any useful purpose in our electoral system, according to my view, as soon as we make use of a ballot that permits the voter to express his will adequately. The ordinary old-fashioned ballot arbitrarily restricts the voter in the expression of his will to such an extent that its use in both primary and final election is less likely to make his real will effective than an adequate ballot would be at a single election.

What is an adequate ballot? It is one that lets the voter express his wishes fully enough for them to be carried out under any circumstances that may, as the counting of the ballots proceeds, be found to have arisen. If, for example, there are four candidates running for one office, and you prefer Smith but think he has scarcely any chance of winning, the adequate ballot lets you instruct the election officials to count you for Smith unless it is found that either Jones or Brown is to win, in which case the election officials are to count you for Brown as against Jones. And a ballot that makes it impossible for you thus to vote for the man you really prefer without danger of throwing your vote away, in other words, a non-preferential ballot, not only requires costly and elaborate primaries, but fails, even with primaries, to reveal the people's real will as well as the preferential ballot can reveal it at a single election.

All primaries, then, in my opinion, should be done away with, preferential ballots being used in all elections.

We now come to a distinction of the utmost importance in our political thinking. Voting, which is at the basis of our modern democratic governments, has two distinct objects to carry out, and they must not be confused with each other. One object of voting is to make *decisions*, for example as to which of several competing policies shall be carried out, or as to which of several candidates for an administrative position shall be selected. In carrying out this object of voting, what is wanted is a preferential ballot to be counted according to rules by which the preference of a majority of the voters for one of the competing policies or candidates over any of the others *taken singly* will be deduced correctly. A voting system that undertakes to do just this was introduced in Grand Junction several years ago under the leadership of Mr. James W. Bucklin. With slight modifications this system—the Grand Junction or Bucklin system, as it should be called —has been adopted, as many of you know, by Spokane, Denver, Cleveland, and other cities. The defects of the rules for counting the ballots under this system, which seem to me more than trivial, have been fully explained in publications of the Proportional Representation League. In spite of its imperfections, however, the system is serving a very useful purpose in introducing the preferential or adequate ballot. It is to be hoped that such of its defects as are not inherent will soon be eradicated from it and that eventually the whole system will give place to the infallible Nanson system explained in the Proportional Representation League's *Pamphlet No. 3.*

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[1] Secretary of the American Proportional Representation League. This paper was read at the Annual Meeting of the National Municipal League, Toronto, November 14, 1913.

So much, then, for the first object of voting, which is to *make decisions,* and which therefore requires rules for counting the ballots that are suitable for deducing from them which policy or candidate, of the several in question, has the support of a majority as against any one of the competing policies or candidates taken singly.

We now come to the second object of voting. This is not to make decisions at all, but to *make up a body fit to make them on behalf of all the voters.* Now, though the principles of democracy require that the decisions made *in* such a body, like those made directly at the polls, should be made by majority voting, they by no means require that the body itself should be *made up* by majority voting. In making up such a body, as has been recognized universally—though until recently very confusedly—each member's right to a seat should rest on his being the choice, not of a majority of all the voters, but merely of such a part of them as is known as a constituency. It is this principle of the constituency, of course, that is at the basis of the district—in cities, the ward—system of representation. If a city is to elect nine councilmen, ran the reasoning of those who devised the district system, a ninth of the city has a right to elect one. This reasoning was essentially right, and always will be. It is only in the application of this principle that the district system is wrong, utterly wrong, and has hampered grieviously, in more ways than we shall ever know, the flowering and the fruiting of democracy.

The blunder of the district or ward system, which will seem ridiculous to our children, consists in defining the constituency of each member by an arbitrary geographical line and then allowing a plurality—or a majority—of the voters within the designated area to elect the "representative." Such a method virtually disfranchises not only all who vote against the candidate elected, who frequently comprise from 40 per cent to 60 per cent of the whole electorate, but also—to a less degree—those who voted for that candidate in the final election not because they preferred him to all others but only because they disliked him less than any of the others who had come through the primaries as officially recognized candidates.

In this way the system makes it certain that most of the ballots will be thrown away if marked for the voter's first choice, therefore discouraging the expression of his real will on the ballot, and makes it probable that a large percentage of them will be utterly ineffective *even as marked.*

How this crude ward system works out in the make-up of a council may be tested by the returns of any city election. I will illustrate with the figures of the election of sixteen councilmen by wards in Columbus, Ohio, on November 4. I take the figures of that city for no other reason than that I happened to be there the day after the election. In the election of the sixteen ward councilmen in Columbus the Democrats cast about 43 per cent of the votes, the Republicans about 40 per cent, the Socialists about 13 per cent, and others about 3 per cent. Now, it is easy to see that if the adherents of all these parties had happened to be distributed quite evenly throughout the sixteen wards, the Democrats would have elected their man in every one. If, on the other hand, the distribution had been less favorable to the Democrats, they would have won fewer seats. And if they had happened to be packed solidly into as few wards as possible, they would have filled less than half of them and could not have elected more than eight of the ward councilmen. Whether, therefore, the Democrats elected eight councilmen, or nine, or ten, or eleven, or twelve, or thirteen, or fourteen, or fifteen, or sixteen, depended on nobody's opinion or will or vote but only on blind chance—how the Democrats happened to be distributed geographically throughout the city—unless it depended on something still worse, the deliberate injustice known as gerrymandering.

To get rid of this defect it is necessary only to substitute for the arbitrary geographical constituency of the ward system a constituency defined as *enough voters anywhere in the city, unanimous in the support of a candidate, to deserve to send him in.* In other words it is necessary only to define the constituency in terms of *unanimity of will* instead of in those of *proximity of home.*

The result of making this simple but extremely important change is commonly called "proportional representation." A name better from some points of view, notably from that of municipal government, would be unanimous-constituency, or true, representation.

The simplest unanimous-constituency or proportional system for electing a representative body—say a city council of nine—is arrived at by providing merely that the members shall be elected at large, that no voter shall vote for more than one, and that the nine candidates who receive most votes shall be elected. This is the system actually used for the election of the Japanese House of Representatives, Japan having endured only from 1889, the year of her constitution, until 1900 the district system that still hinders political and social progress in Canada and the United States.

Though the constituencies that elect members under this system are all unanimous, they may be very unequal in size; the candidate who receives the most votes may receive two or three times as many as the weakest one of the nine elected. This possibility naturally leads groups of voters to estimate carefully how many candidates they can elect by dividing their strength, as nearly equally as possible, among several. And to carry out such a program as this successfully it becomes necessary for the ordinary voter to cast his vote for one or another of his group's candidates according to advice from the group's headquarters. In spite of these obvious drawbacks this Japanese system is far better than the district system and should be supported for the election of representative bodies in cases where the obstacles in the way of the adoption of the still better systems I shall now describe are really insuperable.

What is it that the Japanese system lacks? Why, simply the adequate or preferential ballot that is found so useful in majority voting, the ballot that permits the voter to express his will as fully as he wants to, so that it can be carried out in the count under almost any circumstances that may be found to have arisen.

Perhaps the simplest system of unanimous-constituency representation in which a sort of preferential ballot is used is that explained in the American Proportional Representation League's *Pamphlet No. 3.* Its main features are these. Candidates are nominated—by petition, of course—in lists. The several lists of candidates thus nominated are printed on the ballot under the headings, List 1, List 2, etc., no party names or emblems being necessary or desirable. You vote such a ballot by marking a cross against one name on one list. Such a cross means that your vote is to count one towards determining how many councilmen the supporters of that list are to elect and that it is also to help up towards the top of that list the particular candidate marked. So if List 1, for example, gets about three ninths of the total vote cast for councilmen, it will be given three seats; and the particular candidates to receive those seats will be the three on the list who got the most votes individually. This ballot is really a preferential ballot, you see, though scarcely ever called by that name; for though he marks only one candidate, the voter thereby expresses also the desire to give his vote, if it cannot help the candidate marked, to such other candidate on the same list as it can help.

With various modifications this list system is in use for the election of the parliaments of Belgium, Sweden, and Finland, for that of the councils of about half the cantons of Switzerland, and for that of town councils in

Sweden, Switzerland and elsewhere. It is an admirable system, and may be counted on to result, if properly applied, in nearly true representation.

Yet even this system has its defects. It does not give the individual voter perfect freedom; and any limitation whatever of the voter's freedom to express his real preferences without danger of throwing his vote away must vitiate, at least to some slight degree, the fountain head of democracy.

Fortunately, a unanimous-contituency or proportional system that gives each voter perfect freedom has been not only devised but tested on a large scale and proved to be ideal. This system, sometimes called the Single Transferable Vote but best called, from the name of its originator, the Hare system, is in use for the election of the parliament of Tasmania and the Senate of South Africa, and has been incorporated in the Home Rule bill for the election of both the Senate and the House of Ireland.

The details of this system I need not explain at this time: they can be read in the American P. R. League's *Pamphlet No. 2.* Suffice it now to say that the names of the candidates are arranged on the ballot alphabetically or in any other fair order, without party names or emblems, and that the voter indicates his personal preferences, as many or as few as he chooses, by the numerals 1, 2, 3, etc., against the names. The ballots are then counted according to rules that result in the building up of the desired number of constituencies—say nine—approximately equal in size and *each unanimous, under the actual circumstances existing, in the desire to elect the member whom it does elect.*

Here at last you have a system of representation so excellent that a municipal or other government built upon it may reasonably be expected to be noticeably different and better than one sustained by the same voters on any other foundation. For this system, indeed, the name proportional representation is not good enough. That name suggests merely a just distribution of the seats of the respresentative body among the several political parties, but the Hare system does far more than that. Permitting the individual voter, as it does, to disregard, or to regard, party lines or any other lines to any extent that he pleases, the Hare system results in the building up of the constituencies on lines not crude, rigid, and often—in city affairs—meaningless like those designated by the words Republican and Democrat, but as varied and untraceable and unnameable as those that separate the list of one voter's real preferences for the council from that of another voter's. In short, the only name that does this system justice is *true representation.*

As no one who takes the trouble to understand the Hare system denies that it insures true representation, and as there is unquestioned official testimony from Tasmania and South Africa that the voting of the Hare ballot presents no difficulties even to uneducated voters, there would seem to be no question about the desirability of adopting the system for the election of our city councils under either the Federal Plan or the City Manager Plan, unless—astonishing possibility!—the true representation of the voters in the council under those plans be considered *undesirable.* It seems strange that this point should have to be discussed at all; but it has to be, for there are some persons who will gravely tell you that the true representation of the voters of a city, in the body whose function is to make decisions and spend money on behalf of all, is highly objectionable.

Consider, first, *justice.* It is not just to make the body whose business it is to spend the money of all and to make decisions affecting the welfare of all anything but truly representative of all. Voting for all the commissioners at large with the provision that each voter may cast a *separate vote for each one of them* is clearly unjust to all voters who do not happen to belong to the largest group in the city, since with that system the one largest group can elect all the commissioners.

When a man says that he does not see this injustice, you may know that he expects *his* group to be the fortunate one that will elect all the commissioners, and that he is so lacking in the finer spirit of democracy as to see no harm in substituting, in the deliberative body, the will of *his* group for the will of all.

Consider, next, *wisdom.* If all except the one largest group in the city are excluded from representation on the council or commission, as is usually the case with the "block-vote" we have just considered, it is quite as likely that the wisest or the most public-spirited minority will be deprived of representation thereby as that the most foolish or the most selfish will be. Unless, indeed, we are to abandon democracy frankly once for all, the wisdom wanted in the deliberative body of the city is not the wisdom of a single group, even though that group may constitute a majority and though it may be *your* group or *my* group—and therefore, of course, the one sane and public-spirited group that ought to govern the city: what is wanted, if we are to have democracy, is the composite wisdom of the whole city. Why should we not give a fair trial, for a change, to real municipal democracy, at last made articulate by true representation and made efficient by the putting of the chief administrative officials on a professional basis?

Think of *continuity.* With the ward system the personnel of the council may be changed greatly by the change of a few votes in a few of the closest wards. With the "block-vote" at large it is not unlikely that the change of a small percentage of the votes may turn all the commissioners out at once. Under the Hare system, on the other hand, each councilman is sure of his seat so long as there is one full constituency in the city that wants him there. The complexion of the council changes under the Hare system, in other words, only as fast as the interests and opinions of the community change or as councilmen are found to be other than they were thought to be when formerly elected.

Political apathy. Under the ward system political apathy is fostered in a ward where one party or faction is almost sure to win with many votes to spare. For in such a ward a voter of the leading party knows that his vote will probably have no effect on the result. And a voter of any other party knows, in respect to his vote, exactly the same thing. Under the "block-vote" the same principle applies. Systems which cause thousands of votes to be thus "thrown away" at every election breed apathy, of course, among large classes of voters. The cure for political apathy is not continual exhortation—"Do your duty as a citizen and go to the polls"— but *making each ballot count one towards the make-up of the council even when the voter has dared to record on it his real will.*

And what is to be said in regard to *corruption?* To elect all five commissioners corruptly with the "block-vote" it is necessary to corrupt only enough voters to turn the scale in the city. To elect one of nine councilmen corruptly under the ward system it is necessary to corrupt only the few voters necessary to turn the scale in a close ward. To elect one of nine corruptly under the Hare system it is necessary to corrupt approximately a ninth of all the votes of the city.

The objections made to the application of proportional representation in general, or of the Hare ballot in particular, to the election of our councils under either the Federal or the City Manager Plan are due in some cases to a misunderstanding of proportional representation itself, in others to a distorted conception, utterly at variance with experience, of how the system would work out in practice. All these objections can be met satisfactorily if only one has the requisite amount of time. As my time is about up, I can only mention some of these objections and meet each as well as I can in a single sentence.

It is objected that the "block-vote" is the best for a city council because a city council "has no important legislative duties, anyway." The answer is that a city council has constantly to choose between conflicting proposals, just as a state legislative has to, the difference between the two being not in the nature, but only in the scope, of their functions.

It is objected that we want "responsible party government." The answer is that responsible *representative* government is still better.

It is objected that the council will be "full of cranks." Answer: Just as full as the city is.

It is objected that the Hare ballot is hard to vote. Answer: The highest officials where it is used say flatly, in official publications, that it is not.

It is objected that the votes are hard to count. Answer: The system eliminates primaries; and the result of the counting lasts long after the trifling amount of extra work involved in the counting is forgotten.

It is objected that "what we want is the Initiative and Referendum." Answer: By all means; but it will do no harm to make the council so truly representative that the Initiative and Referendum will seldom be needed.

It is objected that what we want for city government is "not to divide the voters according to their differences, as proportional representation does, but to elect a group of good councilmen all together on the basis of what the good citizens have in common." Answer: Plausible as this objection sounds, it is wholly fallacious: it is the "block-vote" that divides the voters at the polls into two or more camps, whereas the Hare system of proportional representation leaves all dividing to be done in the council itself, after all views and interests have had a fair hearing, doing nothing whatever at the polls but *condensing* the voters into a small group comprising the true leaders of them all.

As soon as true representation is understood in this country, these supposed objections will disappear and true representation will be adopted for our city councils and other deliberative bodies. And then, opening the way, as it will, for all other reforms to come as fast as the people are ready for them, true representation will prove itself to be the indispensable basis of the mechanism of democracy. In reference to the Hare system John Stuart Mill wrote in his *Autobiography*: "I can understand that persons, otherwise intelligent, should, for want of sufficient examination, be repelled from Mr. Hare's plan by what they think the complex nature of its machinery. But any one who does not feel the want which the scheme is intended to supply, any one who throws it over as a mere intellectual subtlety or crotchet, tending to no valuable purpose and unworthy the attention of practical men, may be pronounced an incompetent statesman, unequal to the politics of the future." With that thought I close: are we, is the National Municipal League, "equal to the politics of the future?"

THE MODEL MUNICIPAL COURT

BY HERBERT HARLEY[1]

Chicago

TO PROVIDE a city with wise laws, with honest elections, with carefully chosen experts to execute the will of the people, with scientific means for preserving the public health, with cheap and swift transportation, with abundant means for every kind of education, with beautiful parks and boulevards and all the other things that the National Municipal League stands for, and to omit an efficient department of justice, would be like erecting an arch and leaving out the keystone.

In working out the novel problems of the modern democratic city we are pioneers blazing new paths and that is why the work is intensely interesting as well as vastly important for present and future. The entire social and industrial world is being made over to meet changed conditions. We live in the midst of a revolution in the affairs of men, in the midst of a great constructive era.

In a period of transition to new ideals the courts, always significant, possess added importance, for they must preserve all that is worthy of the old law and at the same time be responsive to new needs.

But in this crucial stage of reconstruction we find that our court system is a system created generations ago for utterly different conditions of life, before the large city had come into existence on this continent. Though well enough conditioned for the semi-rural life of half a century ago, the system now fails sadly to fulfill its new obligations. This failure becomes more conspicuous with each succeeding year, as is evidenced by current attempts to patch the system up and render it serviceable.

Complaints concerning the administration of justice in the United States are most acute and well founded when directed against conditions in the large cities, which are well termed the "bearing points of our civilization." We are especially concerned with the needs of cities exceeding 100,000 population, of which class we have half a hundred, but what follows will apply in large measure to as many more cities which are not far below this arbitrary line.

Every great reform is preceded by a period of agitation which comes from the heart rather than from the head. Criticism commonly precedes analysis. It is not uncommon, and this has been the case with respect to reforming the courts, to shoulder the blame onto certain individuals and then demand that they as scapegoats be turned out into the wilderness.

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[1] Secretary of the American Judicature Society.

But before we condemn our judges let us consider whether they have been given an environment which permits them to work efficiently. Let us particularly consider the business or administrative side of the judicial department. Few are qualified to pass upon the product of courts from the juridical standpoint, but in this age of highly developed commercial organization facts proving the administrative incompetence and helplessness of courts are appreciated by all. It is obvious also that unless judges are given a measure of power and freedom to shape their environment, to make rules for the government of their courts, they cannot be held to a high degree of responsibility for results.

The most conspicuous fault of the judicial system, lack of organization, may be held to be a direct result of lack of authority for autonomous control, since it is fairly presumable that if entire responsibility for administering justice were placed where it belongs, in the judicial department, the judges would long since have developed effective organization.

The greatest fault lies then in the fact that state legislatures have prescribed by statute a judicial system and have legislated minutely as to the powers and duties of the judges. Every judge has his place defined in the state law. Nearly every act that he performs, in most states, is prescribed by the detailed legislated codes of procedure. There has been an express intention to leave the judge as little discretion and as little freedom of action as possible. Under our rigid and archaic system judges are separated from each other by statute so that they resemble fence posts, part of a general system, but effectually prevented from changing their positions or from acting mutually for a common purpose.

Our experience with statutory codes of procedure has extended over sixty years and today they stand condemned by leaders of thought on the bench and at the bar.

The people, seeking with the best of motives to make it difficult for the judge to go astray, have, through their legislatures, defeated their own purpose by creating a rigidity of judicial system and procedure that ties the hands of the judge and often makes it difficult or impossible for him to do the most obvious, simple, sensible, just act.

In some states we have gone to greater length in the folly of depending upon minute and explicit enactment by putting into state constitutions provisions which fix absolutely the organization of courts. This is a defect especially of later constitutions, representing an attempt to escape obvious evils, but in some of the older states the constitution offers a barrier to the removal of harmful features. In a number of these states the cities are forbidden home rule in the administration of justice in such a minor field as enforcing local ordinances. They are saddled with the constitutional justice of the peace or magistrate, who becomes, with evil politics and a vicious fee system, a chartered privateer to despoil the weaker citizen.

But lest reform, if it be fundamental, seem too remote, we are afforded the cheering news that the state of Georgia recently, after a short campaign, amended its constitution to permit of abolishing justices of the peace in Atlanta and establishing there an efficiently organized municipal court.

In early common law times changed conditions were met by creating new courts instead of enlarging the powers of existing tribunals. The evil grew until in Coke's day there were seventy-four separate and independent tribunals. The suitor had to select his tribunal at the peril of being thrown out of court if he should err. Such conditions were intolerable. They led in time to England's great reform, culminating in the judicature acts of 1873 and 1875 which merged all the courts into one great unified court.

There is less excuse for us, when we, in the light of history, make a like blunder, but we have done it and are doing it still. As cities have grown we have created new courts instead of enlarging the scope of existing tribunals. The statute books of nearly all the states bear witness to this slipshod method of reform. Every city is given one or more new courts, unrelated to the other courts on the administrative side, resulting in division of responsibility and conflict of jurisdictions.

Emphasis is given these facts because we are now at a crucial stage. Experiment has shown the need for specialized tribunals to meet social needs. The juvenile court has spread from Chicago to every large city in the country. But it is made an independent court. Now we observe the widespread demand for the court of domestic relations. The morals court, in which all causes involving vice may be segregated for expert handling, is likely to be borrowed extensively. Other specialized tribunals will be created where opportunity for experiment is so freely afforded as it is in Chicago, and they will be copied if they prove to be worthy.

Unless we have a correct analysis of defects, unless we heed the lessons of history, and unless we are grounded in fundamental principles, we shall make no real progress as the result of all the present agitation for reform. We may even make matters worse.

The one thing most needed today for the betterment of courts is recognition of the principle that all the judicial power of a state should be vested in one great court, of which all tribunals should be branches, departments, or divisions, and this court should have power to amend, revise, and create its procedural rules.

But here we are confronted by a practical difficulty. The needs of our large cities are so insistent that we cannot wait until constitutions are radically amended and legislatures are moved to act wisely and liberally.

The solution must lie in creating municipal or metropolitan courts which embody the right principles and are so constituted that they can become component parts of the state system which will be achieved later.

It is to this task that the committee on municipal courts of the National Municipal League has committed itself. It seems necessary at the outset to adopt the principle that the administration of justice in a large city should be by one great court exercising all the judicial power in that city and clothed with full authority to create and develop its procedure independent of the legislature.

Under the principle that all the tribunals in a city should be branches or divisions of a single unified court it is possible for that court to create such branches as may be needed from time to time and to provide an administrative organization which will prevent these branches from conflicting, which will conserve judicial energy, and enable every unit of the entire department of justice to work efficiently.

How are the large powers of this unified municipal court to be exercised? The answer is that the largest powers, such as amending or creating procedural rules, and appointing and retiring clerks and other employees, should be exercised through action of the entire court, thus dignifying the trial judge and making him more directly responsible for the duties he must perform.

But there are many lesser duties particularly in the administrative field which are best performed directly by an individual responsible head of the court, who may be known as chief justice or presiding judge. The chief justice should be empowered to establish branch courts and direct the judges and other agents so that they shall do the work for which they are best fitted. In nearly every city we have enough judges. The trouble is that they cannot assist each other. Some have dockets filled for months in advance and others try but half a dozen cases a month.

The opportunity for directing the work of judges through a single responsible head also relieves another serious difficulty now very common. The field of law has become so great that no judge can be expert in all branches. Unless he is permitted to specialize he will be unequal to the advocates practicing under him. So the model municipal court organization, with its numerous branches and assignments of judges by a chief justice, permits each judge to be chosen for that field of law to which he is best fitted by experience or talent, and keeps him there long enough to make him expert. He becomes a living depository of all the law in his particular field. Even if this could be brought about through legislative enactment there would not be the flexibility which is essential in making such a highly organized court a practical, workable institution.

The chief justice should also make dockets and assign causes, thus distributing the work equitably and utilizing his force of judges for the largest output of the highest standard.

Here we have in a few sentences the ideal of the municipal court. We have self government, conspicuous leadership, accountability. These characteristics are found essential to efficiency in every other field of activity, in commerce, in civics, and in military organization. There is all the more need for them in the court of justice, for a court is a battlefield where the interests and passions of men are pitted against each other as nowhere else.

Consider such a court in actual operation. A lawyer or a litigant believes that he has not had a square deal. He does not have to wait until the legislature is called in session and then lobby a bill through to amend a rule. He does not have to circulate a recall petition. He does not have to resort to tedious and costly appeal. He merely steps into the office of the chief justice and in ten minutes a correction is begun. Or more frequently the litigant who thinks he has been injured writes to the chief justice. So sensitive is this powerful piece of machinery that a two-cent stamp starts the wheels. A copy of the letter reaches the judge who is complained of in the next mail. He must explain and justify his conduct or make amends. If a line of action of doubtful policy or legality is disclosed it becomes the subject of discussion at the monthly meeting of judges. The force of publicity is exerted from the time the chief justice receives the complaint.

If a judge develops unfitness for handling a certain class of cases or for dealing with a certain type of litigants, he is moved to a branch where he can do good work or where his unfitness is rendered harmless. Every judge knows that any citizen can at any time complain of him at headquarters and that he must be prepared to justify his conduct. This of course results in scrupulous regard for the rights of litigants so that occasion for faultfinding becomes rare. It results also in uniformity of decisions in various court rooms, thus lessening the need for appeals. It is presumable also that on knotty legal problems there is a caucusing among the judges so that the best juristic talent of the entire court is brought to bear on difficult questions.

There is also in such a unified court an esprit de corps. Judges realize that their standing before the public depends in large measure upon the efficiency of the entire court. A single callous or lazy judge, or one discourteous, or high tempered, or ignorant, tends to bring the entire court into disrepute. This makes each judge deem himself to be his brother's keeper, as it were, and anxious to warn him of threatened delinquencies. The force of this closely knit mutual responsibility can hardly be overestimated. It results finally in automatic self disciplining. The judge who might, under the present unorganized system, fail to do what he should do, or persist in doing what he should refrain from doing, finds himself in a hopeless minority after a round table discussion among his colleagues.

Such a unified court profits immeasurably in another way. When it becomes necessary to make a courageous stand each individual judge knows that in carrying out the policy of the court he exerts a mighty power, that he has behind him an institution. Such instances are not uncommon. The typical judge of the unorganized system stands out alone where the sharpshooters can pick him off, and the more conscientious and courageous he is, in many jurisdictions, the shorter his tenure. The judge of the unified court, as long as he acts properly, stands behind the breastworks with his supporters on either side.

It is presumed that the municipal court of the future will make public all its doings. There must be a department of statistics and it must be directed by the chief justice so that he will know all that is going on from day to day and from week to week. Statistics must be collated and published, not only on judicial matters proper, but also on the work of the personnel, on social and criminal matters, and upon finance. Then the people will know the direct cost of their civil and criminal courts. They will know how various judges compare for efficiency and which judges have the fewest reversals in the appellate courts. They will have data invaluable in formulating legislation intended to minimize delinquency and crime. One of the truest and most serious charges brought against our present courts is that they publish no statistics while the courts of all other civilized nations do. Our courts wield their immense power in the dark so far as the lay citizen is concerned. This defect must be cured. At present we legislate by guess. We have no background of facts.

The secret of getting faithful public service is after all no secret at all. We only have to make personal interest coincide with public welfare. We have to make it easy and profitable for the public officer to do right and unprofitable for him to do wrong. Proper organization will do more to secure efficiency than any recall can do.

So much for organization. What will be the nature of the procedure of this model court? In most American courts a litigant is free to begin suit and prosecute it possibly through several tribunals merely to embarrass an innocent defendant or to forestall some business advantage. In the model court procedure there will be required at the outset an affirmative showing of right. As a matter of fact a unified court possesses such a high degree of self respect that vexatious litigation is seldom attempted. This first evidence of good faith is secured by the simple expedient of requiring plaintiffs to make oath to their statements of claim.

In a majority of actions upon contract there is no valid defense. But in most courts a sham defense can be introduced and the plaintiff can be kept from getting justice for months or years. Reform procedure requires the defendant to make a showing under oath that a justiciable controversy exists or to submit forthwith to judgment. Observance of this sensible rule results in diverting a great class of litigation from the trial dockets.

It helps to make justice speedy when any slower result would be injustice. A self respecting court with power to act will not permit itself to be made a fence for the illegal operations of nefarious litigants.

Without infringing upon the rights of any person it is possible to make all the operations of a court much more expeditious. There is no demand for haste at the expense of quality and no danger that we shall ever go to that opposite extreme. Modern procedural rules, such as those in use in England and Canada and in the Chicago municipal court, result in great saving to the public as well as to the litigant. The court is open for business on every secular day of the year. The record is brief. There is no duplication of papers. There can be no recourse to another jurisdiction in order to create strife between branches of the judicial department.

Especially in the administration of justice criminally does the unified court demonstrate its efficiency. In discouraging crime promptness and certainty are the only real deterrents. Involved criminal procedure, created by the legislature and interpreted by many independent courts is the jungle into which the detected criminal flees in many states. The unified court, by segregating classes of crime in special branch courts presided over by experts, permits of safe generalizations as to the causes of crime, the courses it takes, and the needs for its suppression. The striking success of the juvenile court points to further specialization which is certain to come.

Doubtless before this you have begun to wonder how much concerning this model court is pure idealism. Is there any practical experience to substantiate these astonishing conclusions?

I would answer yes, most emphatically.

What England has done is history. But England has not yet applied the principles which underlie her judicial establishment to the concrete problems of a large city as thoroughly as has Chicago. It has become an oft reiterated tale, how only seven years ago Chicago moved from a disgraceful and intolerable condition of judicial irresponsibility by creating the first really successful municipal court in the country. It was not all done at once. Year by year the Chicago municipal court has developed and it has yet far to go before it is perfect. At every legislative session since it was created it has applied for and received added jurisdiction or greater freedom. It is not a unified court in the sense of exercising all the judicial power exercised in Chicago. It was created to wipe out justice shops and to relieve the higher courts. It did both. The latter accomplishment was made possible by giving it unlimited jurisdiction in contract cases. Causes involving hundreds of thousands of dollars are now brought in the municipal court notwithstanding the fact that the other courts retain concurrent jurisdiction. But while the Chicago municipal court did not receive the fullest measure of jurisdiction it was given large powers for self government and these powers have been developed by its distinguished chief Justice, Harry Olson, until today it stands unrivalled throughout the world as a great city court.

That great social-legal invention, the branch court of domestic relations, which enjoys the unique distinction of bringing disjointed families together instead of forcing them apart, originated under these powers without a line of statute law. The branch morals court, which is beginning already to point the way to an intelligent treatment of both social and legal sides of the vice problem, was created a few months ago like the other branches by order of the court. It is interesting to observe the tendency toward specialization and resulting expertness by recounting the various branches or departments now in operation:

1. Contract and tort cases involving less than $1,000. Return day call.

2. Motions and first class cases (cases involving more than $1,000) without jury.

3. Quasi-criminal and citations. The quasi-criminal jurisdiction applies to cases brought under city ordinances by summons, as when the building department, health department, or other city departments enforce their rules. "Citations" refers to what is popularly called the debtor's court, in which supplementary proceedings are had in judgment to prevent concealment of assets.

4. Forcible entry and detainer, in which controversies between landlord and tenant are adjudicated.

5. Court of Domestic Relations.

6. Attachment, garnishment and replevin.

7. Morals court.

8. Automobile court.

9. Non-jury cases (five judges).

10. Jury cases (ten judges).

11. Criminal branches in various parts of the city (eight judges). In these branches are held preliminary hearings on felony charges; final hearings as to misdemeanors in violation of state law and in violation of city ordinances when an arrest is made on view or otherwise.

Various bodies of social workers are now asking for the segregation of the cases of boys who are too old for the juvenile court. It is from this class that criminals are recruited. Special treatment of amateur offenders should result in great saving to society. So the establishment of a boys' court is being considered. No legislation will be needed. The chief justice has only to assign a properly qualified judge to this work and assign by general order all these cases to one court.

In any other city or any other state it would be necessary to secure special legislation to create such a court and then would come the almost insuperable difficulty of finding the man who is properly qualified to serve as judge.

The Chicago municipal court has been evolved in a state which has the most archaic procedural rules of any English speaking jurisdiction in the world. It took an amendment of the constitution to create this court. Notwithstanding the fact that Illinois has a constitution that would defeat the efforts of an army of safe blowers, the result a thousand fold justifies the effort. The rules of procedure of the Chicago municipal court, in the heart of this medieval stronghold, the last fastness of the rejoinder and surrejoinder, the rebutter and surrebutter, and other quaint survivals of a half savage period of common law procedure, occupy only seventeen pages. The rules which result in judgments amounting annually to millions of dollars, preventing prolonged litigation where no good defense exists, can be printed on a single page. Ask the business men of Chicago whether the municipal court has been worth the effort required to establish it. Ask the social workers. Eminent lawyers, who have spent years keeping abreast of Illinois judicial procedure, entrust the drawing and filing of the papers stating the cause of action in the municipal court to their office clerks. And this is the court which dispatches 160,000 cases per year and has the lowest percentage of appeals and reversals of any court in the country which handles any considerable volume of business.

So it will be seen that our ideal of an efficient municipal court, which will serve the ends of society and not abet those who would work society harm, has a solid basis of experience and accomplishment.

But I have said that the Chicago court is not perfect. It is timely to consider its limitations. These are two-fold.

First, it does not possess all the judicial power within its territory. It has no chancery or probate jurisdiction and is limited in tort to $1000. Its branch court of domestic relations, superb though its record of accomplishment be, is hampered. It is possible for instance for the affairs of a family which are under adjudication in the domestic relations court, to be the subject of litigation simultaneously in the chancery division of the superior and circuit courts and in the probate court, while youthful members of the family are being attended to by the juvenile court. But the machinery of the municipal court, with connections extending to all the social and charity organizations of the city, is so complete, that it has a great advantage over its competitors. The absurdity of competition between independent tribunals in administering justice in a single locality will in time result in wiping out these difficulties.

The Chicago municipal court has not yet had jurisdiction in felony, but a new act, which has not yet taken effect, gives it complete criminal jurisdiction except in murder, treason, and habeas corpus. At the present time the criminal branch judges of the municipal court bind over those who commit felonious offenses to the grand jury, which holds them for trial in the criminal branch of the circuit and superior courts. During the months which ordinarily intervene while all these separate agencies are performing their functions, a grand opportunity is afforded the most expert and vicious criminals to slip out of the meshes of the law, while the innocent defendants are cruelly punished. So the municipal court cannot as yet be held responsible for the administration of justice criminally. When it is given sufficient jurisdiction Chicago will become an unwholesome place for the professional crook.

The second limitation of this great court is on the political side. The tenure of office is for but six years. Many of the best judges are slaughtered after securing renomination. The office is of course not desirable in the eyes of the successful and ambitious lawyer. It is impossible to get the most aggressive and successful men at the bar to abandon their careers and serve the city with the prospect that they will be shelved at the end of their first term, through no fault of their own, but because of a political landslide. The land at Chicago is more slippery than that at Culebra. Nor is there any proof that the desirable candidate, who has devoted his time exclusively to learning the law, could be elected against the needy candidate who has cultivated the political field, assuming that the former is nominated.

Of course the judicial position can be made more attractive by increase of salary but the more effective way is to afford security of tenure. Judges should serve during good behavior. Public service will again become as attractive to lawyers as it was half a century ago when it ceases to be suicidal. You who believe in the short ballot have your own views as to how judges should be selected. They are experts, it is assumed, and chosen for highly technical work. They should be selected by a person competent to judge of the qualifications of candidates, who is accountable to the voters, and responsible for the due administration of justice.

This implies that the chief justice should be elected, should be subject to recurring elections, and should be empowered to select the judges of the court, and they should be attracted by the prospect of entering upon a long career as jurists. Finally some plan should be adopted for removing judges who are derelict in duty. With a properly organized court this becomes the least consequential feature because such a court is selfdisciplining, correcting faults at their inception and inspiring every judge to put forth the best there is in him for the public service and his own welfare equally. Judges expertly selected to a career which promises public distinction, and serving under a proper organization, will seldom if ever need to be removed. The contingency is so remote as to make the recall feature almost negligible.

Another political limitation of the Chicago court which prevents the most economical operation arises from the divided control of the court's hundreds of clerks and bailiffs. The chief clerk and chief bailiff are elected officers and their long payrolls are treated necessarily as pie counters for the faithful. Sometimes a deputy clerk throws down his scratchy pen and goes back to shoveling coal or delivering ice and sometimes a bailiff with a record at the criminal court is pried loose from his job. But with full control of subordinates, and civil service regulations, the court could dispense with one-third of its minor employees.

That we are in the midst of a revolution is nowhere more clearly evidenced than in the field of criminal justice. Absolutely new conceptions of human responsibility are being forced upon us by science. The theory of the purpose of punishment is already greatly altered. The courts must grow to embrace the new ideals of social law which are more preventive than punitive. A real science of psychology is developing to take the place of barren scholasticism. We are learning that a great majority of all criminals are defectives. There is not a judge in the land pronouncing sentence upon offenders who does not daily feel the need for the aid of science in determining responsibility and in shaping penalties so that they shall be effective in restraining diseased minds and wills.

We are close to a time when the psychopathic laboratory with scientists expert in physiology and psychology will supplement the criminal court. The city court stands most in need and the city court must work out the details of the scheme.

Next comes the side of penology. The successful city court of the near future must have new sorts of penal institutions. Some of them are already provided. We must have more detention homes, more vocational schools, more penal farms, and we will need fewer cells.

Your committee therefore desires to report that an act of a fundamental character is now being drafted. The American Judicature Society, recognizing the pressing need for model legislation on this subject, has put it first in a series of acts which will be drafted to generally point the way to the more efficient administration of justice. Chief Justice Olson of Chicago, the chairman of this committee, is also chairman of the board of directors of the American Judicature Society. Most of the other members of the League's special committee on municipal courts are connected with the American Judicature Society. We are therefore able to report progress and the prospect that the model act, if not forthcoming quite as soon as might be expected, will be all the more thorough and workmanlike when it leaves the drafting bureau of the American Judicature Society.

A STUDY OF THE STUDENT BODY OF THE UNIVERSITY OF CINCINNATI: A MUNICIPAL INSTITUTION

BY CHARLES W. DABNEY[1]

Cincinnati

IT HAS always seemed that the faculty needed to know more about the students. From their entrance and term examinations, and from recitations and other tests, the faculty learn something, after a time, about the scholarship of students in certain lines. Where there is personal contact, as in the small college, the professor knows the characters of the students in a way; but, unless he becomes intimately acquainted with the families of his students, he never learns much about their social and economic position. If the college is to give the student vocational instruction and guidance, as is proposed now, some knowledge of his situation in these respects is necessary.

In the belief that a study of the social composition of the student body in this institution would be of great help in the work of training men and women for life, a questionnaire was prepared by the president and each student entering the University of Cincinnati in September, 1912, was requested to give the data it asked for. Students in the colleges of liberal arts, engineering, and medicine, numbering 1081, were made the subject of this study. All special students not candidates for degrees, evening students, school of commerce students, and irregular students were omitted. The evening students are discussed separately.

The questions covered the name, college entered, the age of the student; the occupation of the father, whether father or mother or grandparents were graduates of college; residence, Cincinnati or outside; the educational training of the student; work for self-support previous to and since coming to college; number of brothers and sisters who are dependent;

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[1] Dr. Dabney's activities have not been confined to academic work. In 1893, Mr. Cleveland appointed him assistant secretary of agriculture, with direction of the scientific work of that department. As he was unwilling to leave his work at the University of Tennessee, the president and university authorities agreed that he might fill both places. Through the first year of the McKinley administration, he remained, by special request, as special agent of scientific investigations in the department. In 1902, Dr. Dabney organized the Summer School of the South at the University of Tennessee. The attendance of this school reached two thousand. In 1904 he was elected president of the University of Cincinnati. The annual reports for 1912 show the expansion of this institution under his administration. The total enrollment at the close of the session of 1912–13 was 1,973. President Dabney is a member of the Southern Education Board.—Editor.

number of self-supporting members of the family; total annual family income; homes, owned or rented, rental paid, etc.

Of the 1034 blanks delivered, 956 were returned. As 38 replies were rejected, this study is based upon the returns from 918, or about 90 per cent. Of course, not all of these students made complete answers to every question. The total number of answers used is noted under the different heads. On the whole, the replies were full and clear.

The median age of women entering the college of liberal arts is eighteen years, of men entering this and the engineering college, nineteen. Since the average age at graduation from high school is eighteen, it appears the university is receiving the normal secondary school graduate within a year after the completion of his preparatory course. As shall be seen below, many of the boys work a year before entering college. The median age of students entering the medical college is twenty-one.

Of a total of 669 students in the college of liberal arts, 527, or 78.9 per cent, are residents of the city within the meaning of the law and 142 are non-residents. Among the 288 students in the teachers college, 225, or 78.1 per cent, have their residence in the city, and 63 outside. In the college of engineering among the 333 students, 158, or 47.4 per cent, are from the city and 175 outside. Of the 79 students in the medical college, 34, or 43 per cent, are from the city. Omitting for the present the teachers college students, who were not taken into this study, the 1081 students under consideration, belonging to the three colleges mentioned, include 719, or 66.6 per cent, resident students, and 362, or 33.4 per cent, non-resident students.

These results have been checked in several ways. Students were asked where they were born. Tabulating the answers with reference to the corporate limits of Cincinnati, 47 per cent were born within the city. Of male students, 37 per cent were born in the city, and of female students, 61 per cent. It was found that 61.7 per cent live with their families within the city limits. This is perhaps the best test of all. From this it is judged that 66.6 per cent represents the correct proportion of Cincinnati residents in these colleges.

Interesting answers are returned to the questions with regard to the father's education and occupation. In the first place, 201 out of 918 students, or nearly 22 per cent, are fatherless, a very unexpected and significant fact. The occupations of fathers were classified on a functional basis similar to the census classification. A total of 38 fathers follow "agricultural pursuits"—farmers, gardeners, poultry raisers; only 159 are in the "professions," including actuary, accountant, architect, attorney, engineer, dentist, doctor, druggist, editor, minister and teacher; 228 are engaged in "trades and transportation," as agent, banker, bookkeeper, broker, contractor, merchant, peddler, postal or railway service, salesman, conductor, etc.; 173 are in "manufacturing or mechanical pursuits," such as baker, blacksmith, book-binder, brewer, butcher, carpenter, cigar maker, draughtsman, engraver, fireman, foundryman, glove maker, linotypist, lithographer, machinist, marble worker, miller, painter, plumber, printer, gilder, saddler, shoemaker, tailor, tinner and wheelwright; and 59 are in "domestic and personal service," such as barber, bartender, driver, gauger, laborer, musician, policeman, steward, glazier and whitewasher. Twenty-eight report their fathers as day laborers. Six are classified as "miscellaneous," including missionary, music composer, inventor and "politician."

It is interesting to note that the two classes "trade and transportation" and "manufacturing and mechanical pursuits" contain over 63 per cent of all. If to this is added the 5.2 per cent in "agricultural pursuits" and the 8.1 per cent in "domestic and personal service," a total of 77 per cent is had in non-professional, commercial and mechanical pursuits, for which no special education is required. Only 23 per cent of the fathers are in the so-called professions, as defined by the census. It is evident from this that the university is furnishing the higher education to children of many parents who did not have the opportunity to obtain it themselves. This is further evidenced by the fact that only 192 students, or about 21 per cent, report that either father or mother had a college education. The largest proportion of college trained parents is returned by the medical students, 27.9 per cent. Next to the medical students, women students in the arts college report 27.4 per cent of parents having a college education; the male students 18.8 per cent. The parents with college education represent, however, many of the colleges and universities of this and foreign countries.

The returns with regard to work for self-support have been studied from several points of view. The first question referred to work for self-support done by the student before coming to college. Of the total student-body reporting, 65 per cent have worked for their own support before coming to college. If the women students, who do not enjoy the same opportunities for getting work and only 30 per cent of whom report self-supporting work done before coming to college, are excluded, the percentage of men who worked before coming to college is 85.5. Practically all the men have worked for the means with which to support themselves while at college. The returns as to work during vacation show that, omitting the women again, 85.4 per cent of the men are systematically engaged during the summer. This is increased, of course, by the coöperative students, all of whom work during vacations. The male arts students report 59.7 per cent working regularly through the college year, while only 28 per cent of the medical college students do such work. Their laboratory and clinical hours leave them little time for any other labors.

The per cent of all male students working during the session is 74.5. The women students are chiefly occupied with domestic work, but it is interesting to note that some of them are tutoring, others clerking or working as stenographers, some keeping books, some acting as playground instructors, some serving as saleswomen, and a few are waitresses.

The answers to a question about the ability to go to an outside university to get a college education merely express, of course, the opinions of the students themselves. Probably their answers are over-optimistic. Of the total number of 918 answering this question, 558, or nearly 61 per cent, say they could not have attended a university outside of Cincinnati. From these statements it must be inferred that the university is indeed holding the door of opportunity open to many who otherwise would not be able to get the higher or the professional education.

Of the 918 families, 788, or 90.1 per cent, reported other brothers or sisters, the average number being 2.9, that is, almost four children to a family, or a total of nearly six in the family, a remarkably high average.

The average number of self-supporting brothers or sisters is 1.1 per family, the highest number being in the families of medical students, next in the families of engineering, and the lowest number in the families of arts students. This leaves the average number of dependent brothers and sisters to the family, 1.8; that is, almost two members in each family, besides the student, are at least partially dependent. This explains the necessity for self-supporting work.

Of the total of 856 students answering the questions about owned and rented homes, 336, or 39.2 per cent, live in rented homes, the highest proportion being among male arts students, 41.4 per cent, and the lowest among the coöperative engineering students, 33.4 per cent. The rental paid monthly varies greatly. The mathematical average of that paid monthly by the students of all families is $33.05, the highest average being among the families of arts students, $35.33, and the lowest among the families of coöperative engineering students, $26.10. In the total student body there were found just as many families paying more than $30 per month as families paying less than that amount. The median line for coöperative students was $25. In the total student body living in rented homes there were more families found paying a monthly rental of $25 than were found paying any other monthly rental. Looking at the other side of the picture, it is interesting to find that 60.8 per cent of the students' families live in their own homes, which they have either purchased or are now trying to pay for.

As was to be expected, the smallest number of answers were in reply to the questions about family income, but 613 accurate reports on this subject out of the 918 returns were obtained. They come from all the colleges and classes, and would appear, therefore, to be fairly representative of the incomes of the families of the students. These incomes range from $750 to $10,000 per annum.

Of the total families represented, 44.9 per cent have annual incomes of less than $1500 per annum. If $7500 per year is taken as the amount necessary to support a family of six in comfort in Cincinnati, only 5.7 per cent of the families can be said to be comfortable. If the line is lowered to $5000, but 11.7 per cent of the students' families have this amount or more each year. If the line is drawn between the comfortably well off and the poor at $2500, only 35 per cent of the students' families have this amount or more. In other words, almost two-thirds of the students' families have a combined family income of less than $2500 per year, and 44.9 per cent fall below $1500. The median annual income is located at from $1500 to $1750 per annum. The most frequent annual income is found within the groups $750 to $1250, being around about $1100. Recalling that the annual income of the family includes the small earnings of at least one brother or sister, and deducting this, it is learned that the annual earnings of the father, or supporting member of the family, are nearer $1000 than any other figure.

The answers to the question as to the aim in attending college were compiled from the returns of the students in the arts college alone. Out of a total of 543 arts students, 458, or 85.8 per cent, declared a definite aim, 89.4 per cent of the men and 84.1 per cent of the women having definite aims in coming to college. Among the women those who intend to follow teaching largely predominate. This is doubtless due to the fact that the university has a teachers college as a continuation of the arts college, and that Cincinnati graduates are placed upon a preferred list for appointment as teachers at an advanced salary. Women students, not preparing to teach, report various aims, including social service worker, missionary, private secretary, journalist, artist and physician. Among the men in the college of liberal arts there is no single line of endeavor so frequently reported as to become a dominating aim. The aims most often recurring are merchant, minister, teacher, physician, lawyer, consular service, forestry service, and chemist.

The evening classes having only been started this year and being an entirely new departure in university work, it was a matter of great importance to learn as much as possible about the students in these classes. The same questionnaire used in securing the statistical information about the day students was used for the students in the evening classes. Their replies were studied with great interest, as it was believed that much information could be obtained which would be of use in shaping these courses to the needs of this interesting class of students.

From a total enrollment in the evening classes in liberal arts of 543, made up of 262 men and 281 women, 432 questionnaires were returned. Of those making these returns, 202 are men and 230 women. It will be seen thus that returns were obtained from nearly 80 per cent.

The average age of the 417 students reporting their ages, is 26.2 years. The average age for the male students is nearly 25 years, and for the female 27.5 years. The oldest man registered in the evening academic classes is 47 years of age, and the oldest woman is 56. There are three women over fifty and three men over forty. Under 20 years of age are 4 males of 17 years, 4 females and 13 males of 18 years, and 8 females and 12 males of 19 years of age.

The requirements for admission to the evening liberal arts courses are substantially the same as for the day courses; that is, students are admitted either as candidates for degrees, in which case they must pass the regular entrance examinations or present satisfactory certificates from accredited schools, or as special students. Special students must be at least twenty years of age, or graduates of the night high schools, and give evidence of their ability to carry successfully the courses they desire to enter.

Of the evening students, 338, or 77.5 per cent, are graduates of high schools. Of these, 95, or 25.1 per cent, represent night high schools and 243, or 71.9 per cent, day high schools. This is significant as showing that many young men and women are able to avail themselves of the regular day school facilities until the completion of their college preparatory work, when circumstances compel them to turn their attention to business.

Of the evening academic students, 421 made returns on birthplace and residence, and of this number 135 men and 134 women, a total of 269, or 63.6 per cent, were born within the corporate limits. The question of present residence of these students with regard to corporate limits is of some interest also, as is the question of their length of residence within the city. Of the 432 students answering this question, 193 men and 207 women, a total of 400, or 92.6 per cent, live within the city at present and 63.6 per cent were born within the city. Only 9 men and 23 women, total of 32, or 7.4 per cent, reside without the city. The average period of residence within the city for all these students is 18.6 years. That the proportion of students who live within the city is higher among evening students than among day students was to be expected. Students from points outside the city can not so conveniently attend the evening classes. The evening classes are almost exclusively for workers in Cincinnati. Since their average age is 26.2 years and the average period of residence in Cincinnati is 18.6 years, it will be seen that they are permanent residents in the city.

The investigation of the occupations of fathers of these students throws much light upon the social composition of this interesting body of men and women. The occupations were again classified in accordance with the census plan. There are only seventeen sons and daughters of farmers. "Professional pursuits" are represented among the evening academic classes by 32 students. "Trade and transportation" are represented by 83 students. "Manufacturing and mechanical pursuits" are represented by 83. "Domestic and personal service" is represented by 17. Only 233 out of the total of 543 made returns on this subject. If these returns are taken as fairly representative of the whole number of students in the evening academic courses, the percentages for occupations of fathers will be as follows:

	per cent
Agricultural pursuits	6.4
Professional pursuits	14.0
Trades and transportation	36.6
Manufacturing and mechanical pursuits	36.6
Domestic and personal service, about	7.0

These returns, like those for the day students, show that the university is serving a class of citizens, who would not be able to get this training if the city had no institution like this and evening classes were not open. Additional light is thrown on this subject by the returns of the number of fathers and mothers of students who have attended college. Of the total student-body, slightly over 10 per cent report that either the father or the mother was a college graduate. This is about one-half the proportion reported by the day students in the university.

Out of the 543 students in the evening academic classes only 201 made satisfactory reports of incomes. It may be that the reports tend to represent the larger incomes, but taking these reports as fairly representative of all, the following interesting results are secured. Only 4 persons out of the whole number, or 1.5 per cent, report total family incomes of $7500 or more. Of this portion of the student-body, but 18 per cent have incomes over $3000 a year; 78 per cent have a total annual income under $2000 a year; and 45 per cent of all the families have incomes under $1500 a year. The mode, or frequential average, tells the more correct story about annual incomes. If all the incomes are arranged by groups, each group differing $250, the mode is found within the group from $750 to $1000.

This is further confirmed by the returns as to homes owned and rented. Of this student-body of 543, 293 make returns on the subject of "homes; rentals paid, etc." Of this number, 170, or 51.5 per cent, live in rented homes. The students in the evening classes show a higher proportion of families living in rented houses than the students in the day classes. If all the rent paid was equally distributed, each family would be found paying a monthly rental of $26.60. The mode for all is about $30.

Out of a total of 356 making returns on occupations, which included more of the better class professions than of the humbler, 150 men and women, or 42 per cent, reported themselves engaged in "professional pursuits;" 153, or 43 per cent, engaged in "trade and transportation;" 29, or 8 per cent, in "manufacturing and mechanical pursuits;" and only 8, or 2.3 per cent in "domestic and personal service." Sixteen, or 4.5 per cent, are not classified. It is worth while to study the returns on this subject more closely. The 150 whose pursuits are classified as "professional" by the census are distributed as follows: Of the 56 men, one is a professional accountant, 24 are attorneys, 18 are teachers, 1 is a minister, 2 are physicians, one a veterinary surgeon, 1 a druggist, 5 civil engineers, 1 chemist, 1 mechanical engineer, and 1 professional social worker. Of the 94 women, 80 are teachers, 3 are professional social workers, 7 nurses, 2 reporters, 1 an artist, and 1 a librarian. Of 153 in "trade and transportation," 62 are men and 91 are women. Among the men are 5 stenographers, 6 bank officers, 7 bookkeepers, 35 clerks, 2 collectors, 2 merchants, 1 in postal service, etc. Among the 91 women, are 60 stenographers, 18 bookkeepers, 10 clerks, 2 cashiers, and 1 advertisement writer. Of 29 in "mechanical pursuits" 28 are men. The one woman is a milliner. The 28 men include 2 carpenters, 1 tailor's cutter, 8 draftsmen, 1 engineer, 2 linotypists, 2 printers, 6 rodmen, 2 inspectors of engineering work, 1 piano builder, 1 tool designer, 1 shoe pattern maker, and 1 manufacturer. Among the men classified in "personal service" are 1 soldier, 1 porter, 1 timekeeper, 2 day laborers, 1 gauger, 1 elevator operator, and 1 employment agent. Among the unclassified are 1 secretary of Y. M. C. A. and 1 secretary of Y. W. C. A., 10 students and 1 state inspector of workshops. Only 1 male and 24 females report no gainful occupation, a very interesting fact. There are probably, however, more among those who made no returns as to their occupations.

It will be seen that from the standpoint of occupations of students in the evening courses, the university is a very democratic institution. It is evident that the evening courses are as a whole meeting the needs and ambitions of a very great army of bookkeepers, stenographers, clerks, teachers and others who are busily engaged in responsible work during the day, but who still are eager to improve themselves. The annual income of the families of these students is somewhere around $800. A large proportion of their families live in rented homes and pay a rental of about $30. All the statistics emphatically proclaim that the University is educating the most important classes in the community from the point of view of citizenship.

This study has been a profitable one. The increasing age and improving preparation of the entering students are significant and encouraging. The facts brought out about self-supporting work explain fully the seeming indifference of many of the best students to ordinary college sports and amusements. They have no time for such things. They also explain the difficulty of keeping up here that enthusiasm for purely student matters, commonly called "college spirit." But the disposition to get together and work together in more serious way is not lacking. It is a fact worth noting, however, that many of the busiest students, including coöperative engineering students, take an active part in all athletic contests.

But the most interesting result of the study is the evidence it presents of the extent to which this university has democratized higher and professional education in this community. This, which should be the first purpose of the people's university, seems to have been accomplished very thoroughly.

If the democracy is to survive we must provide for all the people, urban as well as rural, complete equality of opportunity for education in the higher and professional subjects as well as in the elementary. The common schools have made such progress that the time is not far distant when every child will have a chance for an elementary education. Various types of institutions for secondary education are being rapidly erected in all the cities. Equality of opportunity for secondary and vocational education is thus reasonably assured for all the fit. But what of equality of opportunity in the higher and professional educations? Shall it be limited to the children of the rich, or of professional people, or even of the moderately well-to-do? Shall not the higher education, also, be put within the reach of all the fit? The small college, the normal school, the agricultural and mechanical college, and the state university—characteristic institutions of our country—have done much to open the way for the young men and women of the rural districts to obtain the higher education. Free tuition and chances to work have greatly enlarged these opportunities for country youth, until undoubtedly our states offer higher education at a proportionately lower rate of expense to more people than any other country on earth. But have the opportunities for higher education been made as easily available for the children of the middle and poorer classes of the cities? Certainly these classes in the city have not availed themselves of the facilities for the higher education to the same extent as have the sons and daughters of farmers and village people.

Consider the case of the city university from another point of view. Does not the rapid growth of the cities make the municipal university a necessity? The important thing revealed by the last census was the fact that the rural population has now dwindled to 52 in 100—in these great middle states of the West, it has dwindled to 40 and in some to 35 per cent. In Ohio, for example, while the total population has increased 15 per cent in each of the last three decades and the urban population 30 per cent in each, the rural population actually decreased 4 per cent in the first and 6½ per cent in the second decade. Everywhere the urban population is increasing ahead of the rural and in most of the old states the total rural population is steadily decreasing. With the development of these vast urban populations, must there not be municipal universities to put the higher and professional education within the reach of all the youth? Day and night high schools, continuation schools and industrial schools must, of course, be provided to train the average youth who goes to work, but it must not stop with them. The opportunity for the highest training must be put within reach of the poorest youth of the city, provided only he is fit. The results of this study should be gratifying to the people of Cincinnati, therefore, because they show that the University of Cincinnati has really put the higher and the professional education within the reach of all worthy students in its field, whether rich or poor, the sons or daughters of educated or professional fathers, or of uneducated, laboring men. It has democratized the higher education for the people of a city as never before.[2]

[2] The city council of Akron, Ohio, has recently taken over Buchtel College and established a municipal college under the name of the University of Akron. The buildings and endowment of Buchtel are worth between $400,000 and $500,000. This property has been turned over to the city and the institution will be directed by a board of trustees appointed under the general statutes of Ohio. A tax has been levied under the Ohio laws, which, with the endowment, will produce an income of about $70,000 for the municipal college. The University of Toledo, which has been partially organized for some time, has recently gained a suit giving it the right to the building and ground, worth several hundred thousand dollars, bequeathed to it by Mr. Scott. Council has levied a small tax under the Ohio laws for municipal universities, and an organization has been formed, covering the usual academic branches, including studies for teachers. It is believed that the college will now have a chance to grow. The people of Cleveland are discussing the question of a municipal university for their city, made up of the local institutions, including the Western Reserve University, but no definite steps have been taken.

SHORT ARTICLES

AN ESTIMATE OF MAYOR GAYNOR

WILLIAM J. GAYNOR took office as mayor of New York on January 1, 1910. Being already well known in the public life of the city, the beginning of his administration was received with rather definite anticipation of some of his leading policies. At the same time his picturesque and inscrutable character supplied the basis for much genuine curiosity. The voters had reason to accept as true what had been said in one of the nominating speeches—that with Judge Gaynor as mayor the City of New York would not know one dull and uninteresting day.

As a member of our highest court of original jurisdiction Judge Gaynor had earned a reputation for disposing of about twice as much work each year as did any one of his colleagues. This had been made possible by his penetrating legal acumen, by his habit of hard work and by his independent and despotic method of conducting trials. He was the despair of lawyers with weak or poorly prepared cases and sometimes of lawyers who merely wished to try their own cases in their own ways. On the other hand he was much sought after by attorneys desiring to establish some ingenious legal principle for which precedents were lacking. They knew that such cases would interest the Judge keenly and that he would be much less influenced by fear of a reversal on appeal than would more cautious and conventionally minded judges.

Judge Gaynor's particular judicial hobby was excoriation of the police for unwarranted assumptions of authority. Any lawyer seeking an injunction to prevent the police from forcibly raiding some resort alleged to be vicious, or from establishing a patrol to ruin its business, would bring his petition before him. A growing tolerance of strong-arm, direct-action police methods was regarded by him as a national menace. It was partly for this reason, and partly because of a pronounced philosophy of personal liberty in matters of moral conduct, that he was regarded, while still on the bench, as the most powerful foe of blue laws and of their prevailing methods of enforcement. As we shall see, his police record as mayor was consistent with this attitude. It was an attitude unpopular in church circles, but not without political strength in so cosmopolitan a city as New York. Some regarded it as a subtle appeal to the vicious elements, others as a shrewd play for the favor of that large mass of voters with whom all sumptuary moral laws are unpopular. But while there can be no doubt that he was keenly aware of the political aspects of the question there is every evidence that in dealing with it he was acting upon a philosophy of individual liberty of whose general soundness he was thoroughly convinced.

During the winter preceding his mayoralty nomination Judge Gaynor engaged in a spectacular controversy with Police Commissioner Bingham over an obscure young man named Duffy who, he charged, was being persecuted by the police. This controversy was characteristic, though more than usually sensational. It was immensely popular and probably contributed largely toward making him mayor.

There is no doubt that Mr. Gaynor was a politically minded judge. He was intensely interested both in political tactics and in the larger questions of public policy. His advice was constantly sought by politicians and by prospective candidates. He was himself repeatedly asked to be a candidate for mayor or for governor. The mayoralty attracted him strongly. He regarded it as the greater of the two offices. It was a saying of his that in comparison with the more difficult office of mayor, being governor was like managing a Sunday school. For years however, he bided his time, contenting himself with suggesting and furthering other candidacies.

On matters of general public policy prior to his leaving the bench, he was regarded as a radical. He had kind words to say for Henry George, supported Bryan in 1896, and backed Roosevelt in his fight for public control of freight rates and in his criticism of the courts. He was popular among the labor unions, especially for checking undue police activity during strikes. In the spring preceding his mayoralty nomination he wrote a widely advertised magazine article attacking the New York traction interests most bitterly. Its title was "The Looting of a Great City." No wonder then that in his canvass for office he had strong support from radicals, labor leaders, single-taxers, and men with socialistic views. No wonder either that the ultra conservative *New York Sun*, afterwards his most ardent newspaper supporter, greeted his election as a calamity, saying in substance that no less qualified mayor could possibly have been chosen.

Before two years of the Gaynor administration had expired there was a general re-alignment of the elements supporting and opposing his policies. The more radical newspapers were attacking him with bitter words—to which he responded in kind. The *New York Sun*, on the other hand, as well as other conservative publications, were acclaiming him as the most forceful and independent mayor the city had had. The very labor leaders who had been so active in furthering the popular boom which had preceded his Tammany nomination were receiving from the mayor letters full of picturesque abuse, while certain representatives of large business interests felt more at home in the city hall than did the heads of his own departments.

This change had resulted chiefly from the mayor's attitude on the new three hundred million dollar subways—by far the biggest problem of his administration. The Hearst publications had forecasted his attitude on this question, but as Mr. Hearst was at the time a rival candidate, not many citizens had taken the forecast seriously. In the main the stand which he took was a complete surprise. The speedy conclusion of operating contracts and the securing of a universal 5-cent fare appeared to be the only public traction policies with which he was greatly concerned. He was ready and eager to close with the Interborough on what were practically the first terms offered. In this he stood at the opposite extreme from the recently elected mayor, Mr. Mitchel, who maintained that the city could go ahead with construction without first making terms with operating companies, and who was the most persistent critic of all proposed operating contracts. Mayor Gaynor's position was also very different from the finally prevailing middle course taken by Mr. McAneny, who was ready to deal with the operating companies, but who sparred adroitly for many months and secured far better terms for the city than those which the mayor at first wished to accept. It is perhaps needless to say that the mayor's favorable attitude toward the Interborough Subway Company was in accord with the well known traditions of the political organization from which he had received his nomination.

Another vital issue upon which Mayor Gaynor acted in full harmony with the higher powers in Tammany Hall was in the fight over the proposed "ripper charter." With Murphy in complete control of the state legislature, a desperate and almost successful attempt was made to upset the results of the preceding city election by shifting about the powers of the board of estimate. The fusion control of this governing board would have been greatly weakened, many of the auditing powers of the able fusion comptroller, Mr. Prendergast, would have been taken away, while the mayor would have been made supreme in many things, particularly in rapid transit matters. Mayor Gaynor was about the only citizen of prominence who defended this charter legislation and his support of it appeared to be sophistical and disingenious to a high degree. Only by a most remarkable and well organized public opposition was the measure finally defeated.

This brings us naturally to a further consideration of relations to the dominant political machine. We have seen that in two most important crises the mayor and the machine were in harmony. It was much less so, however, in the matter of appointments. Ever since his early fight against the John Y. McKane corruptionists and his own resulting election to the bench on a fusion ticket in 1893, Mr. Gaynor had been a consistent advocate of non-partisanship in city affairs. His plea in 1909 for election of the entire Tammany ticket was consistent with his egotism. He honestly expected to dominate any board of estimate of which he might be a member. This very egotism no doubt served to aid him in the independent spirit which he afterward showed in making appointments. The district leaders found him a hard man with whom to deal. While they respected his superior intellect, his shrewdness and his stubbornness under attack, they never felt comfortable about him, and they knew they could never "get" him as they did get Governor Sulzer. He gave them a considerable number of places, but he would not take orders from anyone. He could therefore never be counted upon. One day he would appoint a typical organization man as head of some department. On another occasion he would select some conspicuous anti-machine citizen. Next time he would, in all likelihood, elevate to office some "neighbor" or personal friend who might or might not have the proper qualifications. Several of his important appointments were ill judged, yet on the whole his department heads were at least well up to the average. With a few exceptions, however, they effected no such economies as were shown under the management of the fusion comptroller and of the fusion borough presidents.

While Mr. Gaynor manifested a most fortunate appreciation of the importance of the mayor's office, he was ambitious to be his party's candidate for the presidency and this no doubt affected some of his policies unfavorably. But at least his policies were all his own. Citizens opposed to him were glad to feel that their chief executive was incapable of submitting to crude dictation, that he had his own reasons or motives for every official act—in short, that he was mayor in fact as well as in name.

Because of his peculiar temperament it had been expected that he would be constantly quarreling with his department heads. But it proved to be otherwise. With the exception of the police commissioner, he gave his heads of departments a free hand. One of his best faults was the obstinacy with which he backed up his appointees against what he liked to call "the clamor of rag-bag newspapers." In the case of City Chamberlain Hyde, who disappeared from town after the failure of several banks in which city funds had been deposited, this was done to an extent that considerably injured his own prestige. Even more seriously did he stand in his own light by blindly defending his police officials when the whole town was passionately aroused over the murder of Herman Rosenthal. The speedy prosecutions and convictions which followed, left a large proportion of the citizens with an impression that the police department was the great failure of the administration. It is probably true, nevertheless, that the most lasting impress made by Mayor Gaynor upon city administration both here and throughout the country was through his more carefully worked out police policies. Only a brief outline of them can be given here.

Liquor selling on Sunday had always been prevalent throughout New York City and had been a rich source of police blackmail. The mayor allowed Sunday selling to go on a little more openly than before, but reduced the excise graft to a minimum by taking from the patrolman all discretion in making excise arrests. The police were forbidden to enter saloons except when specifically ordered to do so and proceedings were ordinarily taken only upon the sworn complaint of citizens. Such complaints were not greatly encouraged. Warrants for breach of the law could of course be obtained by persons interested, but the general policy was one of non-enforcement. In dealing with prostitution, the underlying purpose was to secure what the mayor termed "outward order and decency." Blatantly advertised resorts were not tolerated and street soliciting was kept under check, but raids upon quietly conducted houses were not very frequent. Gambling establishments were combatted through the use of specialized headquarters squads. The idea here was to remove the ordinary policeman from temptations to graft and to prevent "leaks" when raids were contemplated. The breakdown came with the corruption of the centralized Becker squad. In dealing with these three problems of Sunday liquor, public gambling, and prostitution, where a complete and effective enforcement of the law seeemed next to impossible, compromise policies were established which at least minimized certain attendant evils.

During the Gaynor administration the whole relation between the police and the citizens was considerably changed. Policemen were made to feel that frivolous arrests, arrests on mere suspicion and unnecessary use of the club, were dangerous experiments. Some lawless elements—such as the street gangs—were thereby dangerously encouraged, but police brutality and usurpation became far less frequent. The poor push cart peddlers on the east side were no longer driven from pillar to post. Men accused of crime were no longer photographed in the rogue's gallery before their guilt was proven. Drivers, chauffers and others charged with breach of some petty city ordinance were handed summonses, instead of being dragged off to court or being locked up pending bail. Amateur ball players were not disturbed in their Sunday games and great tolerance was shown toward boys playing on the streets. If the aggressiveness of the police in dealing with known crooks was rather too much diminished, a much needed curb was put upon police oppression of the ordinary well meaning citizen.

"No fool and no clown shall rule this town" was the crisp message which Mayor Gaynor—repudiated by his own party organization—sent back from the ship which bore him on his last ocean voyage. This homely rhyme served well to remind his fellow citizens that for four years their mayor had at least been a man whose size measured up well to the requirements of a most difficult office. He had, to be sure, made dangerous mistakes, but the worst of them had, fortunately for the city, been restrained by opposition. In the main his keen intellect had been freely at the service of a city whose greatness he deeply felt and with whose broad cosmopolitan spirit he was in living sympathy. His strong and unusual personality will doubtless be remembered by New Yorkers for a longer time and more vividly than will any particular acts and policies of his administration. He had a homely philosophy—sometimes quaintly old-fashioned and abounding in classical and biblical expressions, sometimes distinctively modern—always pungent and penetrating. The human and literary qualities of his innumerable letters were an enlivening source of enjoyment and instruction. His frequent moods of patriarchal mysticism alternated with a cynical relish for "playing the game" by subtlety and indirection. The fierceness with which he attacked opponents was not without its humorous side, and the bad manners with which he often treated important or self-important citizens furnished great diversion to the multitude. His egotism was one of the most genuine things about him. It may be illustrated by an unpublished interview with himself which he once wrote for a metropolitan newspaper. It began thus: "The Mayor was walking through City Hall Park with that shambling gait which the people so dearly love." And after all if his fellow citizens did not regard him with just that intimate feeling—for there was in his temperament little of the warm and approachable—yet they did not look upon him with wonder and with unfailing interest. His character seemed to match well in its complexity the town in which his public life was lived. It would have been easy to imagine Mayor Gaynor ruling over the alert Florentines in the stirring times of the Medici. That he helped to lay the foundations for a full sized and vitalized metropolitan government can scarcely be denied.

Raymond V. Ingersoll.[1]

PREFERENTIAL VOTING

ITS PROGRESS, WITH COMMENTS AND WARNINGS

THE outlook for preferential voting is good. Much has already been accomplished, and much more seems at hand. It looks as if preferential voting were about to sweep the country as did its logical forerunner and basis, the Australian ballot.

The country is finding in the Bucklin system—as I believe the Grand Junction system shorn of a couple of its minor non-essential features should be called—the system it has long been waiting for. This system is seen to be simple, easily explained, understood, voted and counted. It appeals to voters as likely permanently to increase the ease of attracting desirable candidates into the field, and to secure the election of some one loyal to the majority interest, as against the machine or special interest. Voters in general have little interest in the sole theoretical objection raised against it that a vote in the second or third column may contribute to the defeat of a voter's first choice. The voter sees that his second or lower choice man out of an abundant field of good candidates will be on the side of the public interest as well as his first choice man, and that after all is the question before the house. The satisfaction in greatly increased power to keep bad and incompetent men out greatly outweighs with him the risk to a minor personal preference here and there. He sees moreover that this very imperfection tends still more completely to turn the tables on the machine partisan or henchman who puts personal aspirations ahead of the city's good, and into whose hands the present system so unfairly plays.

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[1] Member of the New York bar and of the council of the National Municipal League. Mr. Ingersoll is a resident of the Borough of Brooklyn.

In a word, the Bucklin system is so much better adapted to present-day conditions than anything else either in use or in sight, that voters take to it with enthusiasm. It is apparently the only one with a future for municipal elections. Its claims for preference as an essential adjunct to direct primaries, as well as a means for supplanting all primaries I believe, are equally strong.

For very small cities, and particularly for small private organizations of voters of exceptional intelligence another system—the Nanson system—should be considered, but it is generally regarded as too complicated for serious consideration at present for ordinary public elections.

EXPLANATION OF BUCKLIN SYSTEM

The Bucklin system, as I am using the term in recognition of the Hon. James W. Bucklin of Grand Junction, Colorado, who originated it and got it into use, is the Grand Junction system minus all dropping of "low men" and minus the stipulation that one of each list of candidates must be left unvoted for.

The system may be briefly described as follows: The ballot shown herewith differs from the familiar Australian form only in having three columns at the right of the names, for crosses, instead of only one such column.

A voter marks his first choice by placing a cross in the first or left hand of these columns opposite his first choice candidate's name, and, if he wishes, a second choice by a similar cross in the second column, and *as many other choices as he desires* (without attempting to grade them) by additional crosses in the third or right hand column, but only one choice will be counted for any one candidate. If a candidate receives a majority of the first choices, he is elected; if not, the first and second choices for each candidate are added together. The man then highest wins, provided he has that majority; if no one thus receives a majority, all three choices for each candidate are added together and the highest man wins whether he has a majority or not. This, with elimination of the primary election, ensures either that the man elected is either the choice of a majority of the voters, or is the man among the nominees commanding the largest

BALLOT ILLUSTRATING PREFERENTIAL VOTING

(BUCKLIN SYSTEM)

INSTRUCTIONS.—To vote for a candidate make a cross (**X**) in the appropriate space.

Vote your FIRST choice in the FIRST column.

Vote your SECOND choice in the SECOND column.

Vote ONLY ONE FIRST choice and ONLY ONE SECOND choice for any one office.

Vote in the THIRD column for ALL THE OTHER CANDIDATES whom you wish to support.

DO NOT VOTE MORE THAN ONE CHOICE FOR ONE PERSON, as only one choice will count for any candidate.

If you wrongly mark, tear or deface this ballot return it and obtain another.

MAYOR	FIRST CHOICE	SECOND CHOICE	OTHER CHOICES
Charles E. Hughes................			X
Champ Clark.....................			
James A. O'Gorman..............			
Nelson W. Aldrich................			
Richard Croker....................			
Robert L. Owen..................			X
William H. Taft..................			
Joseph W. Folk..................			X
Robert M. LaFollette............			X
Woodrow Wilson..................		X	
William J. Bryan.................			X
Chauncey M. Depew..............			
Theodore Roosevelt...............	X		

following of all after a free and full expression of choice by the voters. In fact there will be a majority of the voters behind the winner, unless the list of nominees contains no one who can command a majority. Then we have the next best thing and probably the best possible with that list of nominees.

RESULTS OF ITS FIRST TRIAL

How it works out in practice is significantly shown by the results of its first trial in Grand Junction. There are here given, for they are not yet widely enough known.

Practical working of preferential voting, Grand Junction, Colorado, November 2, 1909

Total number of ballots cast	1847
Majority (of first choices)	900

Result of the votes for mayor

	FIRST CHOICE	SECOND CHOICE	OTHER CHOICES	COMBINED FIRSTS AND SECONDS	COMBINED FIRSTS, SECONDS, OTHERS
D. W. Aupperle	465	143	145	608	753
*W. H. Bannister	603	93	43	696	739
N. A. Lough	99	231	328	330	658
*E. B. Lutes	41	114	88	155	243
E. M. Slocomb	229	357	326	586	912
Thomas M. Todd (elected)	362	293	396	655	1051
	1799	1231†	1326†		

* The starred men were the anti-charter candidates; the others the pro-charter candidates.

† The light vote in the second and third columns is of course due to the 603 Bannister voters' natural concentration on the only candidate acceptable to them. This gave them a lead in first choices, but being in the minority they could not win against a majority enabled by this ballot to get together.

Omitting reference to the Grand Junction practice of "dropping the low man"—an unessential complication, not likely to be widely adopted, not included in the Bucklin system, and without influence on this result—the decision was drawn from the foregoing figures as follows:

No one having a majority in first choices, the first and seconds were added together. Then the leading candidate, Bannister, provided he had a majority, would have won.

No one having a majority by combined first and seconds, the first, second and other choices were added together, and Todd, the candidate then leading, won.

Under the usual plurality system the minority would have beaten the majority and elected Bannister.

Under the Berkeley, Des Moines, Los Angeles or Seattle plan, that of second elections, there would have resulted a contest, possibly bitter, between Aupperle and Bannister, neither of whom had a majority of the people behind him.

PROGRESS OF THE BUCKLIN SYSTEM

The progress of the Bucklin system is to be seen from the fact that, since Grand Junction put preferential voting into use, less than four years ago, at least eleven other cities have embodied it in their charters, so that preferential voting is in force today in at least twelve cities aggregating in population over a million and a quarter, and is embodied in proposed new charter drafts in numerous others, including Detroit, Michigan. Outside of Grand Junction, and apart from needless and easily corrected mutilations in three or four other cities more fully taken up below, the system in all these cities is the Bucklin system. The cities with dates of adoption of preferential voting and with 1910 population are:

1909	Grand Junction, Col.	7,754*
1910	Spokane, Wash.	104,402*
1911	Pueblo, Col.	44,395*†
1912	New Iberia, La.	7,499*†
1913	Duluth, Minn.	78,466*
1913	Denver, Col.	213,381*
1913	Colorado Springs, Col.	29,078*
1913	Portland, Ore.	207,214*†
1913	Nashua, N. H.	26,005
1913	Cleveland, Ohio	560,663‡
1913	Fort Collins, Col.	8,210*†(?)
1913	La Grande, Ore.	4,843*†(?)
	Total	1,291,910

* Commission form charter.

† Restriction to one vote in the third column for each office to be filled. The provisions in this respect in the two small places last named are not quite clear.

‡ 2500 signatures required for nomination of mayoralty candidates.

Spokane, Duluth, Portland and Nashua elect two to five candidates from a group, with as many first choices and as many second choices permitted as there are offices to be filled. In such cases care is taken to provide for the event of more candidates getting a majority of first choices than there are offices to be filled, Of course this is simply done by taking the highest ones up to the requisite number. Spokane, Duluth and Portland are the only ones of the commission governed cities above mentioned which do not elect to specific office and are thus led to election of more than one from a group.

Spokane and Duluth have curious and dubious prescriptions that a voter must vote as many first choices as there are places to be filled from the group, or have his ballot rejected. This seems an unwarranted infraction of the voter's liberty.

It is interesting to note that Colorado Springs is the first city to modify a preëxisting commission charter by the substitution of preferential voting (with election to specific office) for the conventional double election system of Des Moines with election to undesignated places in the council.

Among the cities in which the Bucklin system is embodied in proposed new charters are Bangor and South Portland, Maine, Cambridge and Springfield, Massachusetts, and Detroit, Michigan. In Houston, Texas there is a proposal to introduce it into the city primaries, with retention of the second election.[1]

MORE RECENT RESULTS

Some of the most strikingly gratifying results with the preferential ballot have been reported from Grand Junction, Spokane, and Portland. The combination of preferential voting and nomination to specific office resulted in Denver in the noteworthy result in the election from among 23 candidates of an exceptionally qualified Commissioner of Improvements, Mr. Hunter. Moreover he polled the highest total vote of any of the 135 candidates for the six offices. It is certainly a sign of the new politics when the choice and nominee of the local members of the most influential national society of civil engineers can not only be brought within reach of the voters for public administrative office but be so handsomely elected, as was the case with Mr. Hunter.

In New Jersey the Democratic, Progressive and Republican platforms all call for the adoption of the preferential ballot in the direct primary system of that State.

Some complaint of the result in Denver is heard from some of the more radically progressive sources because the winners were on the whole not progressive enough to suit them. But close and fair observers believe that they are fully representative of the public sentiment of Denver as it is—and that is what the preferential ballot is intended to elect. Moreover, extremes of radicalism and reaction should probably be referred to the initiative as their proper field of activity—and Denver has the initiative.

The Denver election illustrates another thing worth noting, and one likely to happen in such large cities, especially at the first election. In such cases even in a long list of nominees, there may well be few or no names both widely enough and favorably enough known to command a majority vote. In subsequent elections, the probably excellent records of the officers up for reëlection, the fewer offices to fill, improved means of publicity on the merits of candidates, should all tend to produce a larger support for the winning candidates.

In Denver there were 135 nominees for five commissionerships and an auditorship, the number for each office ranging from 14 for the auditorship and an equal number for commissioner of finance, to 29 for commissioner of social welfare. No one got a majority even by a combination of all choices. The winners had the support of from 23 per cent in the lowest case to 42 per cent in the highest of the voters at the election. Similarly in the first election in Spokane under the new system only one of the 5 winning candidates out of a field of 92 got a majority, and in Portland only 3 of the 6 winners out of a field of 88.

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[1] This proposal was carried by popular vote, October 15, 1913.

WARNINGS FROM EXPERIENCE

But this excellent progress brings with it not only encouragement, but also some warnings which should be noted and acted upon. These may be plain enough from the foregoing, but they may briefly be summarized as follows:

1. *No system of voting, preferential or other, can ensure, in any literal sense, a majority support for the winner.* While the Bucklin system of preferential voting probably comes nearer to this standard than any other at present practicable, the enthusiastic supporters of even that system should refrain from calling it, without qualifications—a majority system.

Obviously for any candidate to get a majority, he must be known both widely enough and favorably enough to get the votes of the majority at least of those who cast ballots. One so called "absolute-majority" system is so called because by a system of dropping low men or choking them off by primary elections only two are left in the contest and of course one gets more than the other, without necessarily having a majority or being able in a free open election to get a majority of the votes of the voting body. The man elected by either of these systems may actually be among the very least acceptable of the lot to the majority.

The political objection to the too sweeping name of "absolute majority system," is its tendency to undermine public confidence in those who are ready to lead. It offers an opportunity to the objectors for troublesome taunts, intrinsically worth little to be sure, but with a show of justification which progressives should be too astute to provide.

While conceding that majorities are not always to be had, least of all in first elections in large cities, we may fairly assert that a plurality indicating the man who is preferred above all others in a free and open contest in which each voter may vote for *every* candidate to his liking, and need vote *against* no such candidate is the safest known criterion for election when there is no majority obtainable for any candidate.

2. *The uselessness and danger of restrictions upon the number of third column choices.* Happily the large cities imposing such restrictions are in the small minority, but that there should be *any* is surprising. Such

restrictions are obviously in violation of the fundamental principle and purpose of the preferential ballot. This purpose, I take it, is to provide a means to secure the safest possible choice in one election from a large number of nominees—with a majority if possible, if not, the next best thing, behind the winner. To put it another way, it is intended to make it as easy as possible for voters of a certain type automatically to get together behind some one of a large number of nominees of the same type. If the number of choices is restricted at all, just so far the possibility of getting together is threatened. For example, suppose there are nine good candidates, A, B, C, etc., only three choices permitted, and two-thirds of the voters want some one of those nine. The two-thirds could readily be divided into three groups, one group voting for A, B, and C; the next for D, E, and F; the third for G, H, and I. The largest of these groups might well fall below one-third the whole body of voters even to less than a fourth, and thus meet defeat at the hands of a united machine ruled one-third, concentrated by means they know how to use, on a single candidate. This danger may seem remote, but it is hard to see what excuse there is for risking it. Some may carelessly think if one choice is good, three choices are three times as good and that is good enough. The answer of course is that nothing is good *enough*, but the safest and best. Others may dread careless marking in the third column by voters if left unrestricted. The answer is two fold: the voters understand—as experience has shown—that they must not vote any choice for a man unless they are willing to help elect him—and the actual voting in the third column is as yet too light rather than too liberal. In any event the intelligent voter's free choice should not be hampered for fear of careless work by the foolish few—which would result in the election of only such as have a very wide spread support, and hence could not be very far from a real majority choice.

If, as in one system made practicable only by dropping low men, the choices are restricted to two, the evil above pointed out is intensified, to say nothing of the evil inherent in dropping low men that the "low man" dropped even in an apparently close election may be the preference of the overwhelming majority over the actual winner.

Restrictions in the number of allowed choices are needless and dangerous but, happily, unusual. No evidence of actual harm from them in the few cities which have them has, however, yet been reported.

3. *The excessive number of signatures sometimes required upon nominating petitions.* A high number is chosen as a means of choking off trifling nominations. It will no doubt do it to some extent, though very clumsily. But it will tend also to choke off many a desirable nomination. The organized interests with money do not find it hard to meet such requirements, and the normal type of citizen with no ax to grind finds such

red-tape prescriptions burdensome and distasteful. Such unreasonable and unattractive burdens on legitimate political activity breed the very apathy out of which we are hoping to arouse citizens at large.

With 25 sufficing in cities ranging up to Lowell, Massachusetts (population 106,294 and 100 sufficing in Denver (population 213,381), Portland (population 207,214) and Los Angeles (population 319,198) in all three of which women vote and greatly increase their voting populations relatively to Cleveland, it is hard to see why Cleveland should take such an extreme figure as 2500. Boston to be sure used 5000, and with little satisfaction, as a means of choking off trifling nominees, but there is an excuse for this in that their elections are upon the old fashioned single-choice vote plurality system of our grandfathers and many candidates under that system would be highly dangerous. Even the 5000 requirement did not prevent the appearance of two trifling candidates out of four, whose combined vote came to less than 2500 in a total for all four of 95,356. These two, however, split the vote and the office went on a mere plurality to the anti-charter candidate for mayor. This kind of thing is particularly serious because it, not unnaturally, undermines public confidence in "reform."

SUMMARY OF ADVANTAGES OF PREFERENTIAL VOTING

Among the chief advantages of preferential voting are:

1. It permits the abolition of primaries without interference with the democratic method of nomination by a merely nominal number of petitioners.

2. It permits the nomination of a large number of candidates with practical elimination of the danger of split tickets.

3. It fosters campaign methods which greatly reduce the difficulty of getting high grade men to stand for office. It minimizes the unattractiveness of the campaign and effectively discourages "mud-slinging,"—the candidate who might otherwise descend to slander of his opponents is deterred by fear of alienating second or other choice votes which might come his way. The responsibility on any one nominee to win may become so slight that a man may accept a nomination in the midst of an absence from the state which is prolonged till after election day—and still be elected. This actually happened when the president of the Spokane Chamber of Commerce was thus elected in 1911 as one of a commission of five to a four-year term and from a list of ninety-two nominees for the commission. Other results in preferential voting cities show that the voters are quick, as might be expected, to elect a better grade of officials as soon as they are brought within their reach.

4. It is believed to be the safest known means of election for protecting

the majority interest against machine or special interests. It cannot, of course, insure a majority for the winning candidate—no system of voting can do so in any literal sense—but, in case no one running is widely and favorably enough known to command a majority in a free, open expression of choice, it offers a greater likelihood than any other known system that the winner will be of a type loyal to the majority interest, rather than to any machine.

5. It greatly simplifies the supremely important problem of securing high-grade, non-place hunting and competent elective officials. The reasons are suggested in the two preceding sections but this advantage is important enough to warrant separate emphasis.

Of course the easily obtained nomination, freedom from machine control, improved campaign conditions, and good chance for victory for an honest, competent, non-self-seeking candidate, which are features of preferential ballot elections, must be supplemented by holding out to such candidates properly attractive office-holding conditions. This part of the problem has fortunately, however, been pretty well solved in our commission governed cities and the preferential ballot comes in as a most welcome means of filling out a hitherto most troublesome gap in our election methods.

In closing it should be once more emphasized that allowing voters merely a first and a second choice does not in a proper sense constitute preferential voting. Since the purpose of the new system is to offer the easiest and most nearly certain means for the majority sentiment to crystallize behind some one of a large number of nominees for an office, it is obvious that voters must be permitted to vote—in one order or another—for *all the candidates they wish to support.* Only a small minority of the cities mentioned have fallen into the seductive, dangerous and wholly needless error of limiting the allowed number of choices and it is to be hoped that this erroneous practice will not spread.

Lewis Jerome Johnson.

PROPORTIONAL REPRESENTATION AT LOS ANGELES

A FEW months ago Los Angeles voted upon a charter amendment providing for proportional representation in the city council. The purpose of the amendment was to secure to the various political elements or groups in the city, the conservative, the moderate, the radical and the independents, that measure of representation in the city council to which the numerical voting strength of the various groups would respectively entitle them.

The merits of the charter amendment, considered as a technical election law, were not much discussed, but the discussion was largely confined to the broad question of the merits and demerits of proportional representation. Should provision be made that would guarantee to the larger political groups a proportionate representation in the city council, or should the largest group in the city (Los Angeles elects all councilmen at large) continue to have the power to elect all the members of the council? The question of proportional representation was new to the average voter of Los Angeles. It had never received public discussion and consideration here before. The campaign for the charter amendment lasted about two months. The amendment was defeated by a vote of 17,477 ayes to 18,704 noes.

What were the reasons that lead a large city to give such serious consideration to so a novel measure? We will give briefly some of the specific arguments put forth in the support of proportional representation, and some of the political philosophy underlying it.

1. All elements of the city should function in the city's political life. There is more health and safety in lawful action and expression than in inaction and repression.

2. A council elected on the principle of proportional representation would be truly representative, which is what a council should be. Incidentally, government by such a council would make the appeal to the initiative or referendum less frequently necessary.

3. Participation in the city government by all the political elements of the city would build up a wider feeling of loyalty to the city government.

4. Municipal progress and policies would be more consistent and continuous, for at each election a change of position on the part of a few voters would not completely change the character of the city government, but would simply make it a little more conservative or a little more radical than it had theretofore been. Progress, not mere fluctuation, would result.

5. All elements taking part in the city government, all elements would bear some of the burdens of the city government, particularly some of the criticism which is so constant and overwhelming in local government. No reform administration should undertake the impossible task of bearing all the burden of anti-city-government criticisms.

Desisting from the further enumeration of the specific arguments that were advanced by the friends of proportional representation, we will present a little of the general political philosophy underlying the movement.

In a large city with as varied governmental interests as Los Angeles, there are certain to be differences of opinion as to what the municipal policies should be. Honesty and efficiency in administration, the great rallying cries of non-partisanship, are not the only questions that need to be solved. On moral, economic, social, political, educational and sanitary questions, a great city may divide as sharply as does the nation on national issues of the same character. Local political organizations, local political parties if you like, composed of those who think alike on certain municipal questions, are necessary for the effective development and expression of the political sentiments of a large city.

National parties, organized on national issues, of course should not intrude themselves into city elections. Local political parties should not be of too hard and fast a character, but should come and go and vary in response to the needs of the city for clear expression and definite action. To this end the defeated Los Angeles charter amendment provided the utmost elasticity in the method by which the voters grouped themselves into party groups, and the independents were treated as a group, having all the rights and standing of the more closely organized groups. The voters grouped themselves by the manner of marking the ballots, and a political organization of many years standing would have no legal advantage whatever over a temporary party organized just for one campaign. Experience with non-partisanship shows that it just as desirable to secure the advantages that come from united action on the part of homogeneous political elements of the city, as it is to avoid the disadvantages of "machine" politics. A "non-partisanship" which means individualism carried to the point of chaos is a thing to be avoided.

Recognition of the importance of policies or measures in city government, and as a corrallary, the recognition of the importance of the legislative functions of the city council, carry with them the idea that the council should be distinctly a legislative body, and that the adminsitration of the city government should be in the hands of expert professional administrators under some appropriate adaptation of the general manager form of city government.

A good many of us are getting tired of voting for candidates for city council whose chief qualification for office is that their inoffensiveness gives them a chance of getting a majority vote. We would like a system where the one-fifth or one-seventh or one-ninth of the voters of the city (according to the number of councilmen in the council) who hold similar views to our own, can elect strong positive men to give expression to those views; and then let the other voters express themselves with equal effectiveness. The self-repression and near approach to hypocrisy involved in the effort to get a majority vote, is getting very tiresome, as well as having been shown to be very inefficient, The most difficult of all positions to which to elect strong men is a city council in an election at large. It would not be so difficult under proportional representation.

We have two kinds of anarchists in Los Angeles—a highly reactionary group and a very radical group. The reactionaries have refused to acquiesce in the city's determination to use the initiative, referendum and recall in the transaction of city business, and have sought to block the city government rather than to influence it. The extreme radical group assert that all government is a failure, and urge the workingmen to ignore it. It is not to the advantage of Los Angeles that either of these groups should grow more numerous—they should be kept at a minimum. Proportional representation will help. If a voter can find even one candidate for the council that he would really like to see elected, a strong candidate with a definite program, the voter is apt to go to the polls and vote. He begins to function in the city government. The paralysis of the "stay at home vote" begins to disappear and health and vigor develop in the municipal life.

George H. Dunlop.[1]

DEFECTS IN THE DAYTON CHARTER[2]

AT THE present time when the agitation in favor of the so-called city manager plan of city government is becoming so wide-spread as to attract nearly universal attention, it is well to distinguish between the merits of the plan *per se* and the features of any particular charter that may be cited as putting that plan into effect.

The charter most frequently cited in this connection within the last few months is that of the city of Dayton. Dayton being the largest city in this country that has so far put the plan into actual operation interest is naturally centered on that place, and copies of the Dayton charter are in great demand wherever any interest is shown in the new movement. It is especially desirable therefore that a general indorsement of the city manager plan be not misconstrued into an indorsement of all the features that are found in this charter, which has assumed more or less, through the recommendations of the Dayton bureau of municipal research, the rôle of a model charter for other municipalities desirous of following along the new lines.

It is quite unnecessary here to discuss the merits of the plan for expert city administration of which the city manager movement is properly considered as the chief exponent. On the advantages of expert city administration students are agreed, and it is also true that the city of Dayton has definitely declared itself in favor of the application of the principle, and to that extent deserves the admiration and congratulations of the supporters of efficient city government throughout the country.

But there are some features of the Dayton charter which seem to be undesirable and yet which, unfortunately, would be just as likely to be copied in other city charters as would the commendable ones.

Three of these defects deserve particular mention, one of them in fact being of a nature to destroy in a measure the very benefits which this new plan is meant to secure.

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[1] President of the People's Charter Conference of 1913, and a member of the former municipal newspaper commission.

[2] See article on "The City Manager Plan of Government for Dayton," by L. D. Upson, National Municipal Review, vol. ii, p. 639.

The first of these weaknesses is found at the very beginning of the charter where in section 1 an enumeration of the powers of the corporation is attempted. Now it is a well recognized fact that the practice of enumerating the corporate powers of cities has been the source of great inconvenience, in this country. No enumeration can ever be complete and so it is necessary to add, as has been done in section 2 of the Dayton charter, that "the enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise all other powers which under the constitution and laws of Ohio it would be competent for this charter specifically to enumerate." Even if such a blanket provision affected its purpose, namely, to confer upon the city all local powers so far as possible under the laws and constitution, we would at least have to conclude that the enumeration in section 1 is surplus verbiage. But that is not all, for courts have repeatedly taken the view that the principle of *inclusio unius, exclusio alterius* will be applied whenever there is an enumeration of such corporate powers, and that a blanket clause like that of section 2 above will not be given effect. Hence such an enumeration so far from being of any benefit may be a positive detriment. Much better, therefore, would it be, to make a general grant of powers subject to the limitations imposed in the charter.

The second feature of the Dayton charter which it would seem undesirable for other cities to copy relates to the nomination provisions. More than two pages are taken up with regulations concerning primary elections, when it would have been much simpler to provide for nomination by mere declaration, on the English plan. Primary elections are no doubt superior to the old packed convention system of party nomination, but where it is the avowed purpose of a charter, as it is that of the Dayton charter to have "party politics eliminated"[3] it is unnecessary to have any kind of formal nomination procedure. Primary elections double the cost of elections, and what is worse they double the burden of the elector, which means just that much less participation by the voters, especially the best fitted ones. If a multiplicity of candidates is feared, it is suggested that the probability of minority candidates being chosen as a result of many applicants is on the one hand not a real danger and on the other can be met in a simple manner. That facility in becoming a candidate does not necessarily lead to a plethora of aspirants is shown by the experience of England. But even if it should do so in this country the danger of minority choices can be met by the use of the preferential ballot.

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[3] See statement of the charter commission immediately preceding the charter proper.

The third objectionable feature of the Dayton charter is of much greater significance because it seems to strike right at the heart of the city manager principle. By section 13 of the charter *the city manager is made subject to recall.* Now it seems clear that the very first step in the direction of expert city administration was to take the choice of the experts out of the hands of the electorate and to put it into the hands of some other organ, the council or the mayor as the case might be. It was felt that this offered greater opportunity of getting an expert man in the first place and of having him administer the affairs of the city energetically, without continually weighing in his mind the probable effects of enforcing this or that administrative measure which might be disagreeable to this or that influential political individual or group. If it is characteristic of the city manager plan to make the commission or council responsible for choosing the best man for the place, what possible justification can there be for making that same man subject to recall by the electorate. If he must "make a hit with the people" to keep from being recalled, he is scarcely in a better situation than if he has to make a hit with the people to be elected in the first place and his motives will inevitably be influenced by the contemplation of what response this or that proposed improvement will meet with in the minds of the voter.

We have made a long stride in the right direction when we discard the fallacy of trying to elect expert administrators by popular vote. Let us not slide back half way or more by allowing popular vote to determine whether or not such an administrator shall continue in office.

HERMAN G. JAMES.[4]

LOS ANGELES—A CITY IN BUSINESS

FAVORED by kind nature to an unusual degree in most of the things which tend to the peace and happiness of her citizens, the municipality of Los Angeles for nearly a decade has faced famine in one of the most precious of all her necessities—water. In the last ten years' interval she has seen her population increase by leaps and bounds and her water supply slowly diminish under the inroads she has been forced to make upon the subterranean sources of the Los Angeles River from which at the present time, her reservoirs are filled.

Happily, this obstacle to her growth and progress, with the opening of the new year is, for many generations, removed. Los Angeles has gone

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[4] Of the School of Government, University of Texas. Director of the Bureau of Municipal Research and Reference.

250 miles to the northward to find the source of a supplementary supply in the perennial streams that flow down the eastern face of the Sierra Nevadas. On November 5, 1913, 30,000 people assembled at the outlet of this aqueduct, 25 miles northwest of Los Angeles, formally dedicated the completed structure to the important work it is to perform.

The water course, constructed of steel and concrete, pierces the heart of the coast range by a 5-mile tunnel, crosses, for 150 miles, the bleak and unbroken expanse of the Mojave Desert, climbs high along the rent flanks of the Sierra and with a system of reservoirs strategically placed, guards against any possible interruption of service. Nine years in its building, this enterprise stands as one of the most remarkable in history. A narrative of the engineering exploits by which each obstacle to construction was met and overcome is as thrilling as any story of adventure. This article is intended, however, to treat in briefest details of the municipal, political and economic aspects of the undertaking, which, certainly from their unusual character, to the student, will be hardly less interesting than the account of the spectacular efforts of the engineers in charge.

First and foremost, the Los Angeles aqueduct is a water works system. As side-issues of great economic importance, it is a municipal enterprise providing for the present reclamation of more than 200 square miles of semi-arid land contiguous to the city, and the development of 120,000 horse power of electrical energy for the driving of factory wheels, the illumination of streets, public buildings and homes.

From its inception the enterprise has been one of whole-hearted public endeavor. Los Angeles is a city in business. She has carried on her affairs with the acumen of a private corporation. When the city's board of water commissioners decided that the city's interests demanded the new water supply, it sent its agents openly, but not in the name of the city, to buy the needed lands and water rights. Ranchers of the valley were paid a price for their properties commensurate with their value at that time as farming or grazing lands. Not until the city had consummated its whole plan of water development in the valley, did the board make known the details of the large enterprise that the municipality had entered upon. Speculators thus had no opportunity of profit for they found the city before them. Nearly 100,000 acres of land were purchased at an average cost of less than $16 per acre, while many of the water rights were obtained by filings made in the name of water department engineers long before the public was aware of the city's intentions.

With one small exception, the whole enterprise has been carried on by day labor under the direction of the city's engineers. The building of the aqueduct entirely disproves the oft-repeated assertion that it is economy for a municipality to have its public work done under contract. The construction of the Jawbone section of the aqueduct is a concrete example. This engineering division comprising 23 miles of most difficult work, was offered for contract, as one of the first acts of the aqueduct bureau preliminary to construction operations. When the bids were opened, the lowest proposal was $500,000 in excess of the estimates which William Mulholland, the chief engineer, had prepared. He asked that he be permitted to undertake the job with city labor, and the request was granted. New and improved methods with an easier material in the tunnels than the surface conditions indicated, brought the completion of this division at a cost of $700,000 below the lowest bid which had been offered.

As a means of comparison, one contract for about 12 miles of aqueduct, or 3 per cent of the whole undertaking, was let. Basing the total cost of the aqueduct on the cost of the contract job, an expenditure of $40,000,000 would have been required.

The estimate of the cost of construction was $23,000,000. The enterprise has been completed within this amount, 100 miles of conduit cover have been placed that were not provided for in the original estimates (in voting $1,500,000 for lands and water rights and $23,000,000 for construction, the city reached the limit of its legal indebtedness, and it was expected that this improvement would have to be made after the aqueduct was a "going concern") and there is still a considerable amount to be realized from salvage.

Wherever possible the city entered upon a plan of bonus payments by which labor was rewarded over and above its day wage for progress that exceeded the average. With the aqueduct completed, Los Angeles has two valuable commodities—water and power. The earlier the task was finished, the sooner could the resources of the aqueduct be put to service, and Los Angeles established the bonus system in the belief that the profits therefrom should be anticipated and partitioned with the labor which made an early completion possible.

Without entering upon a broad discussion of numerous side issues of municipal endeavor, incident to aqueduct building, the city required more than 1,500,000 barrels of cement as one of the materials of construction. Finding the necessary components of cement nanufacture in close proximity to the aqueduct zone, mills costing in excess of $900,000 were erected. Before they could be made ready for use, 100,000 barrels of cement were needed and bids were asked for this quantity. Proposals were received from half a dozen companies. They were identical as to price—$2.25 per barrel. "We know exactly the cost of manufacture," the agents were told. "The city is going to be in the cement business within a few months. Therefore we do not propose to be held up by any combine. Aqueduct excavation stops until the municipal mills are running."

Before nine o'clock of the next morning, the price offered by one of the bidders dropped to $1.50 per barrel. The city purchased at this figure, with an option on an additional 100,000 barrels. Had the city cement mills produced only a small percentage of their actual output, they would have been a good business proposition in this way. So much for a municipality that believes thoroughly in municipal ownership.

In its political aspects, the project has been as remarkable as in its engineering details. The aqueduct has been a municipal enterprise in which there were no politics. Herein, it is the full belief of the writer, lies the secret of the success of the entire enterprise. Every man who went out onto the desert had his work cut out for him. His failure or his advancement lay entirely within himself. Held accountable for his work, it was a principle of the head office that those in executive positions in the various engineering divisions should have the selection of their own subordinates. Civil service employees were not always efficient employees. Where they failed, they were thrust aside. In the lower grades of labor, the men themselves drove out the drones; drones cut down progress and slow progress made small bonus. The writer has been connected with the enterprise in his present position since practically the inception. In that interval, he knows of no instance in which an employee entered the service of the bureau either in the field or at the headquarters office, where political influence, and not worth, was the means of procuring his employment. This is written with a full knowledge that for two or three years at least, one or more of the public service corporations were setting aside a certain quota of positions in their organizations to be filled through political recommendation.

How then is this unusual situation explained? There were three factors interlocking to make it possible. First, the people themselves were always on the job. This great work has entered into the very civic consciousness of the community. Nearly every citizen took a personal interest and pride in the undertaking. Even the school children knew the details of the city's endeavor. The press gave wide publicity day by day as the work progressed. There was little opportunity for things to go wrong without the people soon knowing about it. William Mulholland, the chief engineer, is a man in his city known as one opposed to politics where efficient work is to be done. The voters stood shoulder to shoulder with Mulholland. They, too, wanted no politics on their job. The union of the two forces proved too much for politics and it looked for likelier pastures. At every municipal election, about the first question that a candidate was asked to declare himself upon was, "Well, how are you going to stand on the question of the aqueduct?" The third element in making possible a nonpolitical organization was the city civil service. It was tried conscientiously with the civil service commission and the aqueduct bureau working in harmony. It worked, and worked well.

In its economic phases, the aqueduct offers to the city a broad field of future possibilities as to growth and commercial supremacy. In one way, sociological but with the end economic, the enterprise has already been productive of important results. The project, in 1905, was seen to be of such magnitude that there came to the people the clear realization that its successful accomplishment was only possible through the understanding and coöperation of all political, labor and commercial factions. This was brought about, and, continuing, throughout the nine years, has developed a high degree of municipal loyalty and a happy condition of unity. Municipal strength is the result. This is an indirect outcome of the undertaking.

The direct economic results to be realized lie in the disposition of both power and water. Of the latter, the aqueduct assures a daily supplementary supply ranging from 260,000,000 to 300,000,000 gallons, which is sufficient for the needs of 2,000,000 consumers. Pending the growth of population to the point where the total flow will be required for this purpose, the present surplus is sufficient for the irrigation of more than 135,000 acres of land, all of which may be brought within the limits of the larger city now planned. Within this area, the water, first used for irrigation, automatically with the increase of population can be slowly withdrawn to fulfill the more important office of domestic supply. A market awaits all the present surplus as soon as a distribution system can be built. The direct financial returns from the sales for irrigation will be large, but they must be of secondary importance in comparison with the indirect creation of municipal wealth that will follow the application of the water to the land. It means adding an area of more than 200 square miles to the Los Angeles "back country" in a region so endowed by nature that under the intensive cultivation here followed, two or three acres provide sustenance for a family of average size.

In power development the aqueduct offers the possible generation of a maximum of 120,000 horse power. The larger part of the amount can be produced within 47 miles of the city and in such quantity and at such a low rate that no single power corporation, or group of power corporations now operating within the city can compete with her. When it is realized that the present electrical power consumption of the city for all purposes outside that of street railways is estimated at 36,000 horse power, it will be seen how large a commercial asset is contained in this phase of aqueduct building.

Los Angeles already has the first power house, with a capacity of 37,500 horse power (for which $3,500,000 in bonds was voted in 1910) now under construction. It will require $1,250,000 additional to complete the work and deliver the energy at the city's gates. The proposal to issue bonds for this amount with the addition of $5,250,000 for the construction of a city distribution system is now being considered.

The foregoing economic results of the enterprise are confined not to a single year or a series of years but enter into the life of the community as long as it and the giant water course of steel and concrete shall last. Under the most adverse circumstances, Los Angeles has displayed a heroism unequaled in the history of cities. She has concentrated all her effort in the accomplishment of this stupendous task. A great natural resource has been conserved, not for the profit of the few, but for the common welfare of the many who may come within her limits.

Burt A. Heinly.[1]

INCREASING MUNICIPAL INDEBTEDNESS

ONE of the most striking facts relating to modern city building is the great actual and relative increase in municipal indebtedness during the last ten years. That increase and the magnitude of the existing debts of the larger American cities can best be seen by comparing both with corresponding data relating to the national debt of the United States. At the close of the fiscal year 1902 the net national debt, or gross debt of the nation less assets available for meeting the same, was $969,457,241; and at the close of the fiscal year 1911, or nine years later, it was $1,015,784,338, an increase of $46,327,097, or 4.8 per cent. This small increase in the intervening period represents the aggregate national deficit by reason of the acquisition and construction of the Panama Canal in addition to the ordinary governmental expenditures. This small increase in national indebtedness was accompanied by a greater increase of national population, and hence the relative amount of national debt represented by the average per inhabitant decreased from $12.24 to $10.83, or 11.5 per cent.

These changes in total and average net debt of the national government stand in marked contrast with those of the net debts of the 146 cities of the United States whose statistics have been collected by the bureau of the census for all the intervening years, and especially with those of the largest of those cities—New York. These 146 cities at the close of the fiscal year 1902 had a net indebtedness of $900,178,161, and nine years later, of $1,803,129,085. New York at the close of the year 1902 had a net debt of $276,983,472, and at the close of the year 1911, of $723,292,829. At the earlier of the dates mentioned, the debt of the 146 cities equaled only 90.8 per cent, and that of New York, but 28.6 per cent of the national debt; while nine years later the debt of New York alone equaled 71.7 per cent of the national debt, and that of the 146 cities equaled 177.5 per cent of such debt. In the nine years the debt of the 146 cities increased a little more than 100 per cent, and that of New York over 160 per cent. The per capita of the debt of the 146 cities increased in nine years from $44.19 to $67.31, and that of the metropolitan city of New York from $76.45 to $145.92; the relative or per capita debt of the 146 cities at the close of the year 1911 being thus 6.2 times, and that of New York City, 13.5 times as great as that of the federal government.

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[1] Secretary to William Mulholland in charge of the construction of the aqueduct.

Any intelligent judgment with reference to this increase in municipal indebtedness must be predicated upon the principles that are generally accepted in the business world in forming an opinion concerning the wisdom of an increase of indebtedness by a private individual or corporation. When such an individual or corporation borrows money and the resources thus obtained provide the means for increasing productive properties and materially adding to income without the assumption of an undue risk, the act of borrowing is considered a wise one. Under such circumstances increased liabilities within reasonable limits strengthen rather than weaken business stability. In contrast, debts incurred for purposes or under circumstances that secure no property with an assured earning power, and that lessen income or add to net expenses, are never justified from a business standpoint, and such debts if incurred beyond a determinable limit by even the wealthiest marks an entrance upon a more or less dangerous financial course.

Municipal borrowing is to be justified or condemned under quite similar conditions. Borrowing to purchase property or make public improvements or to engage in undertakings that provide public utilities and conveniences without adding to the ordinary tax burdens, or which secure the means for lessening such burdens, must be considered a governmental act fully justified by the results. The more such debts a city has within reasonable limits, the more assured its business stability and its future financial standing. In contrast, municipal debts which give rise to no assured income and thus add to the current costs of government and increase the burden of taxation should not be incurred except to a limited extent, and large volumes of such debt must necessarily be looked upon with more or less of distrust. The purpose of the increasing American municipal debt and the results obtained by the governmental administration of our cities must be considered, as well as the volume of that debt, in forming an intelligent judgment concerning its financial wisdom.

Turning to the latest figures compiled by the bureau of the census for cities having a population of over 30,000 in 1911, it is found that of the gross debts, funded and floating, of these cities—$2,381,309,853—$1,593,495,694, or 66.9 per cent, were incurred for general purposes, and $788,814,159, or 33.1 per cent, for public service enterprises, including water and gas supply systems, railway subways, docks, wharves, ferries, etc. This percentage of public indebtedness incurred by 193 American cities for establishing public service enterprises and for general purposes may be compared with the corresponding percentages for seven German cities as stated by Frederic C. Howe, in his book, *European Cities at Work.* Those cities have 64.1 per cent of the class of debt first mentioned, and only 35.9 per cent of the one last mentioned. Judged by the standards of commercial enterprises the American cities have not, therefore, used as much business sense in incurring indebtedness as have the German cities referred to. If comparison had been made with all the German, French, or British cities the percentages obtained would have led to substantially the same conclusion. American cities incur debt in larger proportions for non-productive purposes than do the European cities, and a given volume of debt raises more questions concerning the wisdom of the borrowing and the results to be expected therefrom.

This last conclusion is emphasized when a study of the statistics of European cities discloses the fact that as a rule the productive properties for which debts have been incurred are so managed as to pay the operating expenses, interest, depreciation, and sinking fund charges, and in most cases provide revenue for the reduction of taxes, while such results in American cities are much less uniformly secured. Some of the indebtedness incurred by American cities for so-called productive properties add to the burdens of the taxpayer the same as do the debts for other properties, and the accounts of many cities are in such a shape that neither their citizens nor outsiders can be sure whether the debts for water-supply systems and similar enterprises are a burden or assist in lifting burdens. A debt for a water-supply system or kindred enterprise that is not wholly self-supporting is a burden; and if when included with the debts for non-productive properties the aggregate exceeds a safe limit, the situation is fraught with peril the same as if the debt had been incurred for current expenses of maintenance. The regulations recently issued under authority of Congress with reference to the securities to be accepted in connection with postal savings deposits recognizes these facts by the method established under those regulations for computing the net indebtedness of cities. The amount of outstanding bonds issued for the purpose of providing public utilities, including the supplying of water or the construction of subways and tunnels for railways, is deducted from the gross funded and floating indebtedness, *provided* evidence is submitted showing that the income from such utilities is sufficient for maintenance, for payment of interest on such bonds, and for the accumulation of sinking funds for their redemption. This action by the treasury and post office departments is the first official recognition by state or national authorities of the principle that ought to be established for determining the amount of a city's net indebtedness, and in a short time by their operation these regulations will doubtless compel a proper accounting for public utility enterprises of our cities, as well as secure a more efficient and economical administration of them. This accounting and better general administration are needed to lessen the already heavy burden of American municipal debt upon the taxpayers and through them upon the toiling masses.

European as well as American cities are now compelled to guarantee a higher rate of interest on their recently issued debt obligations than on those of previous years. Thus, New York City recently floated its corporate stock with difficulty at 4½ per cent, although only a few years ago it was able to float an aggregate of nearly $300,000,000 at 3 per cent, and many cities in the last year have been unable to float their bonds at rates which have been authorized by the laws under which they are operating. Many persons in commenting upon the foregoing facts assume that the increasing rate of interest indicates that cities have generally strained their credit, and that they are necessarily approaching the condition of insolvency. Before accepting any such conclusion it is well to compare the average burden of relative public indebtedness resting upon the people at the present time and that resting upon them in 1865 and 1870.

The per capita debt for the 146 cities having a population of over 30,000 at the close of 1911 was $67.31, the per capita national debt was $10.83, and the per capita state and county debt with all of the recent additions could not have exceeded $14, and probably was less than $12. This makes an average debt resting upon the people of our larger cities at the close of the year 1911 of not to exceed $92.14, which is not greatly different from the corresponding share of national, state, county, and municipal debt resting upon the people of the same cities August 31, 1865, when the national debt reached its maximum of $79.44 per capita. The magnitude of the debt of the average American city, when considered in the light of the experience of our nation since 1865, is nothing to be worried about. This fact, which is evidenced by the comparison above presented, is emphasized by the further fact that all available information indicates that the per capita wealth of the United States, and thus of the taxpaying power of the people, is at least three times what it was at the close of the Civil War, and hence the large per capita public debt of the average American city is relatively only one-third as heavy as in 1865.

What has been said above concerning the rapid increase of the total and per capita debt of our American cities taken as a whole does not apply to all the cities. Many cities have already accumulated debts that approximate their borrowing power, and others have found ways of incurring debts in excess of what was supposed to be constitutional and statutory limitation established in the decade 1870 to 1880. These cities are now compelled to meet all current costs of government, including their outlays for public properties and improvements, as well as carry the heavy burdens of interest payments due to unwise loans and bad management in the past. One factor that has assisted in bringing about this condition of affairs has been the unwise restriction placed upon cities of keeping their tax rate below a fixed and parsimonious limit. Such laws and the custom of borrowing to finance properties and public improvements to be used for general purposes in greater proportion than for acquiring properties which will provide a sure income have brought the financial administration of many cities to a very critical point and will soon carry many others to the same position. In this respect these cities are duplicating the action of the states, counties, and municipalities of the United States that so unwisely incurred indebtedness in the decade ending 1873 that their debts became an important factor in bringing about the financial panic of that year.

The mad scramble of the years mentioned to incur local debt at a time when the national government was reducing its obligations opened the eyes of the country to some of the dangers of unregulated and unwise governmental borrowing. The severe lessons of the panic of 1873 brought the nation to its senses, and every state in the union established constitutional or statutory limitations relating to municipal and, in most cases, state debts also. The general body of governmental debt, as a result of that legislation, continued to decrease for quite a number of years, and new debts when incurred were incurred for proper purposes and within safe limits. Many of our cities and some of our states in the last twenty years have lost the new bearings which they mapped out for themselves, or that were mapped out for them after the finnancial storm of 1873, by unwise, unwarranted, and too large borrowing for constructing and acquiring non-productive properties and public improvements and, in some cases, for meeting current expenses of governmental operation. These cities and states have brought themselves to a critical financial condition, and by the magnitude of their borrowing have become a factor that might, with others, if present in sufficiently large amounts, precipitate a panic like that of 1873. The situation calls for a careful review of the purposes for which cities should incur funded debts, the unwisdom of accumulating large debts for unproductive properties, or of permitting such debts to be incurred beyond reasonable limits; since they throw upon the future the burdens that ought to be borne by the present.

LE GRAND POWERS.[1]

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[1] Census Bureau, Washington, D. C.

COMPETITIVE ESSAYS ON THE MILK SUPPLY IN MY CITY

SIXTY essays were submitted this year for the prize offered annually by the National Municipal League for the best essay written by a high school student on some municipal topic selected by the League. The subject for 1913 was "The Milk Supply in My City." The first prize was awarded to David Barton, of the Walnut Hills, Cincinnati, High School and the second to J. G. Mitchell MacCartney of the Altoona, Pa., High School. The judges were John Spargo, the well-known author of Yonkers, N. Y., who wrote "The Common Sense of the Milk Question" and Prof. Selskar M. Gunn, of the Massachusetts Institute of Technology, Boston, Mass., and lately health officer of Orange, N. J.

The announcement of the subject of the competition of 1913 was accompanied by an outline designed to direct the competitors to an understanding (1) of the essential elements of a public milk supply and (2) to an investigation of their local milk supply with a view of learning and setting forth its character as compared with a reasonable standard. As the outline was prepared with considerable care and in the light of the experience of a board of health which has long given careful attention to the control of the milk supply under its jurisdiction it is reprinted here as of interest and of possible use to the readers of the REVIEW:

THE MILK SUPPLY IN MY CITY

(I) Essentials of a Public Milk Supply:
  (1) Hygienic quality or healthfulness, including freedom from disease germs.
  (2) Food value or nutritious qualities.
  (3) Reliability of service.
  (4) Price, which includes both (*a*) availibility to those of limited means and (*b*) a fair return to the producer and milk dealer.
(II) The source of the Milk Supply in My City as regards:
  (1) Locality, within or outside city; farm dairies scattered or close together, large or small, few or many.
  (2) How handled at the farm dairy to keep it free from (*a*) dirt, (*b*) infection by disease germs and (*c*) to ensure proper temperature.
  (3) Relation of producer to consumer: does the dairy farmer deliver milk to the consumer, to a retail milk dealer, to a middleman in (*a*) the city or (*b*) the country?
(III) How Our Milk Supply is Conveyed from the Dairy Farm to the City:
  (1) By wagon, trolley or steam railway.
  (2) Sanitary conditions of transportation, to keep milk (*a*) free from dirt, (*b*) from infection, (*c*) to keep it cool.
(IV) How Our Milk Supply Gets to the Consumer:

    (1) By delivery at the door, and if so, (*a*) by what means and (*b*) under what sanitary precautions.
    (2) By purchaser going to store for milk and if so, what sanitary precautions are taken, including (*a*) in the storage and handling of milk in the store and (*b*) in getting the milk from the store to the home.

(V) What Our City Government Does to Safeguard the Milk Supply:
    (1) As to purity at (*a*) the farm; (*b*) at central collecting, bottling and shipping points in the country; (*c*) at the central distributing points in the city, including wholesale and retail stores or distributing stations; (*d*) actual distribution from house to house; (*e*) care of milk by consumer; from time of delivery to consumption by him.
    (2) As to economic or food value, including fats and solids standards, freedom from water adulteration, etc.

(VI) The Milk Consumer's Part;
    (1) As to choice of his milk supply.
    (2) Checks on purity.
    (3) Checks on food value.
    (4) Proper care of milk after received by him.

(VII) The Broader Economic and Social Aspects of Our Public Milk Supply:
    (1) Is there available to all an ample supply of safe, wholesome, nutritious milk, at a price on parity with that of other foods of equal nutritive value?
    (2) Is there available to all, at a reasonable price, high-grade milk, particularly suitable for infant feeding?
    (3) What are the retail prices of the various grades of milk available in my city (*a*) at the home, (*b*) at the milk or grocery stores? In case the dairy farmers who produce the milk do not deliver it direct to the consumers, what are the prices received by the farmers, what is paid for freight and what do the intermediate jobbers, middlemen or wholesalers receive, all expressed in cents per quart.
    (4) What is the average per capita consumption of milk for the whole city? What does this indicate as to quantity and price of available supply, economic condition of the population and general intelligence as to the value of milk as a food in comparison with other foods?

(VIII) Suggestions for Improvements in Sanitary or Hygienic Quality of Our Milk Supply:
    (1) In production and in preparation for shipment;
    (2) In transportation to city;
    (3) In city wholesale depots and stores;
    (4) In retail stores;
    (5) In the delivery by wagons, etc.,
    (6) By consumers;
    (7) In supervision by Health or other City Departments.

(IX) Suggestions for Improvements in Food or Nutritive Quality of Our Milk Supply.

(X) Suggestions for Reductions in Cost to Consumer through the adoption of improved methods of Production, Transportation to City and Delivery to Consumers.

The sixty competitors for the prize were distributed from Connecticut to Wyoming and Texas. In a number of cities—notable Baltimore, Johnstown and York, Pa., and Marshall, Texas, special effort was apparently made by some one to enlist the pupils in the competition.

A careful reading of many of the essays and a casual examination of each of the others leads the present writer to believe that the educational value of the competition must have been considerable in the aggregate. Most of the essays give evidence of such a grasp of the essentials of a public milk supply as is likely to make the writers alert and critical on the subject hereafter. Many of the essays also showed that a careful analytical study of the local milk supply was made—with the result that more generally than not its character and public control was found to be seriously at fault. At the same time, the essays, coming as they do from all sorts of widely scattered cities, afford gratifying evidence of recent progress in improving the milk supplies of our cities and towns.

The winners of the two prizes ($30 and $20 respectively) have already been named. In addition the judges gave honorable mention to the following: Miss Jessie M. Webb, Miss Ida Fowler Mealy, Miss Marie A. McCann, Western High School, Baltimore, Md.; Miss Althea Oyster, Alliance, (Ohio) High School; Mr. Howard H. Weber, York, (Pa.) High School; Miss Ethel E. Tomb, Johnstown (Pa.) High School; Miss Eleanor Turner, Marshall (Texas) High School.

M. N. BAKER.[1]

MINNESOTA AND THE LIQUOR TRAFFIC

MINNESOTA has made some advance in liquor legislation during the last twenty years, but we are still far behind many of the states in legislation which is effective in controlling the traffic and enforcing the law.

Under the laws of the state it is legal to sell intoxicating liquor in quantities of five gallons or over without a license, except in territory which has been voted dry. It is illegal to sell in quantities less than five gallons unless the person so selling has obtained a license. The law provides that in cities of the first, second and third classes the license shall be not less than $1000 a year. All other licesses shall be not less than $500. These licenses are granted by the council in municipalities, and by the board of county commissioners when the saloon is located outside of a municipality and in a township.

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[1] Chairman Executive Committee, National Municipal League.

The bodies which are given power to grant licenses can do so by complying with certain provisions of the law. They are also given the power of discretion, and may refuse to grant a license at all if they choose to do so, and their action in this matter is final.

The license money is distributed as follows: 2 per cent of *all* the license money collected in the state goes for the support of an inebriate asylum at Willmar. In cities of the first, second and third classes, the balance of the license money (98 per cent) goes into the treasury of the city where the saloons are located.

Cities of the fourth class and villages pay 10 per cent of the license money collected into the general fund of the county, and the balance (88 per cent) goes into the municipal treasury.

Minnesota is largely license territory. The local option law allows the people in villages and in townships to vote on the saloon question. Under this law about 250 villages have voted out the saloon. The townships are very largely dry, there being little inducement to place a saloon in a rural district.

In 1891 an amendment to our constitution was adopted which prevented the legislature from granting charters to municipalities or amending the charter of any municipality by special law, and shortly after another amendment was adopted giving the people of municipalities the right to make and adopt their own charters. Prior to this all charters and amendments were made by the state legislature, and none of them contained a local option provision allowing the people to vote on the liquor question. Since then a number of our cities have adopted new charters of their own making, and several of them have incorporated a local option provision. There are eleven cities in this class, and seven of these have voted dry. We have seventy-one cities in the state.

Minnesota has made considerable progress in the enforcement of law during the last five years. Our liquor laws, while still being violated to a considerable extent, are becoming more generally enforced and respected. Our state law has provided that saloons should be closed on Sundays and after eleven o'clock on week nights for many years, but until three years ago the law was openly violated in all the large cities and in many of the smaller municipalities.

Our statute provides that any mayor who willfully or negligently refuses to enforce the liquor laws of this state shall be removed from office and pay a fine of from $100 to $500. This law had been in effect a number of years, but had not been invoked previous to six years ago. At that time it was tested in a case coming up from the city of St. Cloud. Mayor Robinson of that city refused openly to enforce the state law. Mr. Young, then attorney-general, brought an action against him for malfeasance in office, and he was convicted. His term of office as mayor had expired before the decision was rendered, but he was obliged to pay a fine of $100.

This decision has been of great value in preventing the open violation of our liquor laws, as it is a much more simple matter to bring pressure on a mayor to force him to do his duty than it is to catch the individual lawbreaker. In Minneapolis, St. Paul and Duluth, and in practically all of our municipalities, the saloons are closed on Sunday and at eleven o'clock on week nights.

The above decision is based entirely on our statutes, and explains why we are able to enforce our Sunday closing law while Illinois and other states which have had to depend on jury trials of individual lawbreakers have been unable to do so.

Another decision of interest was rendered in the Hennepin County district court about three years ago. Judge Dickinson of that court held that under our statutes license in order to win in our local option elections in villages must have a majority of all the votes cast at the election, and not merely a majority of the votes cast on the license question. Attorney-General Simpson sustained this decision of the lower court, and several villages where the vote was close were held to be dry, even though the majority of votes cast on the license question were in favor of license.

In St. Louis Park just outside of Minneapolis the vote on the license question stood 151 for license, 143 against license. Ten voters had voted for village offices who had not voted on the license question. That made the total vote cast 304. License received only 151, which was not a majority of all the votes cast, and the village has remained dry.

Intoxicating liquor has played a very important part in debauching the Indians upon the White Earth reservation in this State, and has aided many unscrupulous men in getting possession of their property for a mere pittance. The recent congressional investigation brought to light the most startling frauds. The so-called Clapp amendment, passed by congress June 21, 1906, gave the Indians free title to their lands which a short time before had been allotted to them. This gave them the right to sell their lands and the valuable timber upon them, and the land sharks became very busy separating the Indians from their property. In the words of the investigating committee, the most persuasive arguments with the Indians were contained in jugs and bottles.

W. E. Johnson, who was special Indian agent of the United States government four years ago, was quite active in his endeavors at that time to relieve the Indians of this state from the evil influences of the saloon traffic. About sixty years ago, the Indians by several treaties ceded nearly all the northern part of this state to the United States government. These treaties provided that the United States government should prevent the sale of intoxicating liquor in the ceded territory. This territory has been settled up with white people and the treaties were entirely forgotten. A great deal of liquor was being sold to the Indians on the reservations with most demoralizing effects, and Mr. Johnson began the work of enforcing the Indian treaties. He ordered the saloons closed in several places near the reservations. This was a new and abhorrent idea to the liquor men and they ignored the order completely. Mr. Johnson then made a raid in Mahnomen and destroyed all the liquor in the town. He and his men then submitted to arrest. They were held ten days in jail, but were acquitted in the federal court at Duluth.

Mr. Johnson's orders were not openly disobeyed after this, but illegal sales of liquor to Indians were continually being made, and the federal government gradually widened its prohibition zone until it had closed the saloons in four counties. Then Mr. Johnson ran against an adverse decision in the federal court, and the saloons quickly recovered the territory they had lost.

In the political field the temperance forces have been gradually gaining ground during the last six years. For years the brewery and saloon interests have held a dominating influence in the affairs of this state. The interests of this dominating business power have long been intrenched in our laws, because the brewers and the liquor sellers have always been able to exert a great influence upon our state legislatures and have been able to prevent any laws being put upon our statute books which would seriously injure the business in which they were engaged.

The temperance forces of this state have recognized that the great task before them is to put the saloon interests out of this dominating position which they have held for so many years, and wrest from them the control of the law-making machinery of this state. This means that men who will stand faithfully by temperance interests must be sent to out state legislature, and it means that enough of them must be sent to enact temperance laws and to control the organization and temperance committees in both branches.

The temperance forces have made very marked progress during the last four years in this battle which has been staged around our state legislature. The county option bill has been made the test of temperance strength. In 1909 this bill was defeated in the lower branch of our state legislature by 30 majority. The presiding officers of both branches of our state legislature were against temperance legislation. Of the 24 men who were on the temperance committees in both house and senate of the 1909 legislature, 17 of them stood by the saloon interests and only 7 favored the program for advanced temperance legislation, which the temperance forces of the state were pushing forward. The whole machinery of the government of this state was under the complete domination and control of the liquor interests, and the temperance forces were in a hopeless minority.

A marked change has taken place during the last four years. In 1911 the county option bill was defeated in the lower branch by the reduced majority of 17, and in 1913 the vote on this bill was a tie. It lacked only two votes of passing in the lower branch of our state legislature.

The fight for the control of the committees and the organization has shown equal progress in lessening the influence of the brewery and saloon interests, and in strengthening the hands of the temperance people. While four years ago the temperance people had little power or influence in our state legislature, the legislature of 1913 has shown a very remarkable change in this respect. The presiding officer of the senate, Lieutenant Governor Burnquist and Speaker Rines of the house are both of them men who have consistent temperance records back of them. Both men have been members of the legislature for several sessions, and both have voted and worked for county option and other temperance legislation. Of the 24 men who are on the temperance committees of both house and senate of the present legislature, 15 favored the most advanced temperance legislation while only 9 lined up with the opposition.

At this last session, the fourth class city local option bill became a law. This gives all cities of 10,000 population and less the right of local option. About 40 of these cities were affected by this law, and many of them will vote out the saloons as soon as the law gets into operation.

At the last session, the initiative and referendum law was passed and will be presented to the voters of the state for ratification in November, 1914. Another statute was enacted which provides that all candidates for office in this state, except state officers and congressmen, shall be elected on a non-partisan ballot. This of course includes members of the legislature. I believe this is the most sweeping non-partisan statute that has ever been enacted by any state in the nation.

These two laws (assuming that the initiative and referendum will be ratified by the voters) will make a radical difference in the methods of campaign as it is now being carried on by both sides, but the temperance people feel confident that the same steady gain that has characterized the movement for the last five years can be maintained, and that in the very near future laws will be placed upon the statute books of this state which will give the voters a larger power at the ballot box over the saloon business. This means (when the character of our population is taken into consideration) that the saloon interests will be severely pressed, that many saloons will be voted out of business, and much dry territory will be created in this state.

A. H. CLARKE.[1]

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[1] Assistant superintendent of Minnesota Anti-Saloon League.

NOTES AND EVENTS

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I. GOVERNMENT AND ADMINISTRATION

Charter Developments.—*The Houston Amendments.* Taking advantage of the recently adopted constitutional home rule provisions, Houston radically amended its charter on October 15 in thirty-seven of its sections. The original charter, among those of the commission government type, was something of a "sport," as the biologists would say, in that it lodged an enormous amount of authority in the mayor. This included the power to assign the other members of the commission to different departments, the veto power, and the right to vote on the question of sustaining his own veto.

As a result of one amendment, the mayor will have no power to make the assignments, since the commissioners hereafter are to be elected to specific departments, but his veto power, apparently, is intact. Incidentally, his salary is increased from $4000 to $7500, but the amendment increasing the salaries of the other commissioners from $2400 to $3600 was lost.

The people of Houston displayed their short ballot sense by rejecting an amendment making the board of education an elective body. Preferential primaries (which in Texas are said to be equivalent to general elections) are provided for. The power of the city to purchase and operate public utilities is broadened. Hereafter, too, there is to be a civil service commission, and the electors are to enjoy the privileges of the initiative, referendum and recall. The comptroller is to be an elective officer.

The Galveston Amendments. Galveston on September 30 amended its charter, but not in any radical respect. The subject matter of some of the amendments, (and this is characteristic of Texas charters generally) strikingly illustrates the need for a standard test by which a great mass of detail will be eliminated from the basic law of the city and put into an administrative code, which will be amendable by the governing body of the city. Were such a distinction recognized we should not have a charter amendment "adding section 35 granting the city commissioners power to control and regulate use of streets and prevent heavy traffic on certain streets, such as Broadway, etc.," or "amending section 20a, fixing the salaries of firemen, also captain engineers and firemen employed on new fire boat," or "adding section 62aa extending saloon limits so as to authorize the location of barrooms east of Sixth Street and south of Avenue H."

Perhaps this is the way the people of Galveston make up for the lack of the initiative and referendum. But it would be more in keeping with the spirit of commission government if the people's representatives were given a little more credit for common business judgment and political sagacity.

Charter Proposals in Dallas. City supervision of construction, as well as operation of public utilities and compulsory profit sharing by the municipality, are some of the most radical provisions adopted by the charter committee of

Thirty in Dallas, Texas, which has asked that the proposed franchise amendments to the charter be submitted to a vote of the people not later than January 6.

The proposed amendments provide, in effect:

> Franchises, whether determinate or indeterminate, not to run for more than twenty years.
>
> Require all indeterminate franchises to be submitted to a vote of the people.
>
> Eliminate the present 4 per cent gross tax, and provide that the city may take a part of the net or gross revenues, or both, of any corporation to which a franchise is issued, and may require additional payments as well.
>
> Authorize the city to compel extensions of public service corporations.
>
> Require the city to stipulate in franchises the things expected of the particular public service corporation.
>
> Provide for a department of public utilities.
>
> Give the city supervision of the construction and equipment of public utilities.
>
> Require "adequate" instead of "reasonable" street car service.
>
> Permit the consolidating of the Dallas street railway companies.

The section of the committee report prohibiting any city railway company from selling light or power to the people was rejected.

In limiting all franchises to twenty years the proposed charter specifies that in votes on them at least 25 per cent of the electorate must be registered in their favor.

Chicago Awakening. A suggestion from Col. Milton J. Foreman, whose resolution in the Chicago council created the charter convention of 1905, has started agitation for a new charter.

In a letter on October 4, addressed to the Chicago Association of Commerce, Colonel Foreman points out that since the present charter was adopted, the commission form of government and the city manager idea have come to the fore, and should be taken into consideration. Mr. Howard Elting, president of the association, is reported as favorable to the idea of inviting all the leading civic associations of Chicago to appoint representatives to a joint charter revision conference. The local affairs which seem to demand particular attention include the management of parks, boulevards, streets, alleys and public places, water and sewerage systems within the city's limits and the regulation thereof. Legislation is desired "whereby the multiplication of taxing bodies may be done away with and the separate, cumbersome, expensive machinery for the administration of local affairs be consolidated in the interest of economy and efficiency."

Rejections of Commission Plan. The past few months have witnessed the rejection of the commission plan in a considerable number of cities. Minneapolis which was the largest of these took the fateful step after months of deliberation had been spent upon the drafting of the charter and numerous experts consulted (vol ii, p. 675). Rahway, N. J. rejected the "Walsh" act for a second time in two years. Springfield, Mo., rejected the new law on the same day that Joplin adopted it. Charter revision also failed in Meriden, Conn. and Athens, Ga.

The City Manager Plan. Since the last issue of the NATIONAL MUNICIPAL REVIEW, the city manager plan has been adopted in La Grande, Ore. (October 1) and Phoenix, Ariz. (October 11) and Morris, Minn. and rejected in Waycross, Ga. (October 14), and Little Falls, Minn. (October 28).

The total list of the cities under this form, with their populations is now as follows: Sumter, S. C., 8109; Hickory, N. C., 3716; Morganton, N. C., 2712; Dayton, O., 116,577; Springfield, O., 46,921; La Grande, Ore., 4,843; Phoenix, Ariz., 11,134; Morris, Minn., 1685; Amarillo, Tex., 9957; Cadillac, Mich., 8675. Among the cities which have the short ballot and a city manager under an ordinance are River Forest, Ill., and Abilene, Kan.

The La Grande charter calls for a commission of three members, who are to receive as compensation, five dollars per meeting. The city manager, who is to receive a salary of not over $3600 is to have "absolute control and supervision over all officers and employees of the city except the Municipal Judge and the Commissioners." He has the power of appointment and removal and must "see that the business affairs of the municipal corporation are transacted in a modern, scientific and businesslike manner, and that the services performed and the records kept shall be as near as may be like those of an efficient and successful private corporation."

The Phoenix charter fixes the salary of the city manager at $5000 and, owing to a provision in the state constitution, he must, at the time of his appointment, be a resident of Phoenix. He is to be removable for "cause."

On November 4 the Citizens Committee ticket was elected in Dayton and a commission composed in the main of men who had been members of the charter making body was elected in Springfield. These facts give assurance that the spirit of the plan as well as the letter will be carried out in both places. The newly elected city manager of Dayton is Mr. H. M. Waite, city engineer of Cincinnati. His salary is to be $12,500. Colonel Goethals refused the city managership, which was offered to him with a salary of $25,000 a year.

The National Short Ballot Organization has just published a pamphlet which will also be reprinted in full in Beard's *Loose-Leaf Digest of Short Ballot Charters*. This contains the text of all the city manager charters to date, so far as they bear upon the structure of the government; an article by the executive secretary on the history of the plan; an article on its theory by the secretary, reprinted from the NATIONAL MUNICIPAL REVIEW; an article on the application to it of proportional representation by Mr. C. G. Hoag, secretary of the American Proportional Representation Society and the leading authority in this country on this subject.

Single copies of this pamphlet may be had upon application to the office of the organization, 383 Fourth Avenue, New York City.

Commission Government in 1913. During the year 1913, up to December 17, the cities in the list given below had adopted one or another of the short ballot plans of city government:

Arizona: Phoenix.
Arkansas: Fort Smith.
California: Pasadena.
Colorado: Colorado City, Denver, Fort Collins.
Florida: Pensacola, St. Petersburg, Orlando.
Illinois: Marseilles, Cairo, Harrisburg, Murphysboro.
Iowa: Ottumwa, Mason City.
Kansas: Great Bend, Garden City, Garnett, Hiawatha, Ottawa, Lawrence.
Kentucky: Paducah.
Louisiana: Donaldsville, Jennings, Baton Rouge.
Michigan: Traverse City, Battle Creek, Saginaw, Cadillac, Monroe, Owosso.
Minnesota: Duluth, Eveleth, Morris.
Missouri: Joplin.
New Jersey: Millville, Vineland, Beverly, Bordentown, Jersey City, Haddonfield, Phillipsburg.
New Mexico: Las Vegas.
New York: Beacon.
North Carolina: Hickory, Raleigh, Morganton.
North Dakota: Williston, Fargo.
Ohio: Dayton, Middletown, Springfield.
Oregon: Portland, La Grande.
Pennsylvania: Allentown, Altoona, Beaver Falls, Bradford, Carbondale, Chester, Connellsville, Corry, Easton, Erie, Franklin, Harrisburg, Hazleton, Johnstown, Lebanon, Lock Haven, McKeesport, Meadville, New Castle. Oil City, Pittston, Pottsville, S. Bethlehem, Reading, Titusville, Wilkes-Barre, Williamsport, York.
South Carolina: Spartanburg, Orangeburg.
South Dakota: Watertown.
Tennessee: Lebanon, Springfield, Bristol, Nashville.
Texas: Terrell.
West Virginia: Grafton, Fairmont.
Wisconsin: Ashland, Ladysmith.
Wyoming: Cheyenne.

A Notable Decision. Flaying political bosses and their domination, Judge R. M. Wanamaker of the Ohio supreme court in his written opinion in the Cleveland charter case, on October 19, points to home rule for cities as their ultimate salvation.

Judge Wanamaker says:

> Home rule for cities and villages existed in Ohio before we had a state and existed in America before we had a nation.
>
> Every municipality was a law unto itself until after the constitution of 1851, when the legislature assumed and usurped full and complete authority in governmental powers over municipalities, and that, too, without any sanction or grant express or implied in said constitution.
>
> This assumption of power, this usurpation of authority was sanctioned by our courts by holding that municipalities have only such power as is expressly conferred upon them by the state legislature or such powers as are necessarily implied to carry such express powers into effect.
>
> This was not only judge-made law, but was judge-made constitution, without either authority or common sense, common law, or constitution.
>
> This resulted in government of cities by the general assembly and the general assembly was generally governed by the party boss or machine with its allies of special privilege and public franchise interests. By ripper and special legislation they could exploit the cities at their own pleasure, the local bosses in league with the state bosses, holding the citizens and taxpayers of the city at their mercy.
>
> To get rid of the state political bosses at Columbus who controlled the legislature, to get rid of the city party bosses at home, the citizenship long demanded the right of non-partisan nomination, election, and public service at their own city governments.

Pointing out that the people, after a hard fight, won non-partisan election of judges, members of school boards, delegates to constitutional conventions and charter commissioners. Judge Wanamaker continues:

> Now they wanted to nominate and elect their own municipal officers, with reference to their personal fitness, their business qualifications, their experience in the public service, equipping them for the respective municipal offices.
>
> Accordingly the people demanded of the constitutional convention (1) emancipation from legislative domination and dependence; (2) emancipation from state and party bosses; (3) non-partisanship in all purely municipal matters.
>
> That is what they asked for and that is what the constitutional convention evidently tried to give them.
>
> Shall they now be deprived of this long-struggled-for freedom from blind and corrupt partisanship by the judgment of this court?
>
> Boiled down, what possible interest could the state have in the method by which the city should nominate and elect its own officers, officers that have nothing to do with anything but purely municipal affairs? Who, outside the city could have any interest in or objection to such a plan but the political boss and his allies?
>
> Party labels and party emblems had become ridiculous in local affairs and the people had grown tired of voting for mere party birds, whether eagles or roosters, and they wanted the chance to vote their beliefs by voting for candidates solely for personal fitness for local reason and condition, with a view of getting the most equitable, economic and efficient public service.
>
> It is high time to construe our constitutions in the interests of a people's government instead of a party government. It is time that the declaration: "All political power is inherent in the people," be made good. It is time that the constitution be interpreted to shield the people's power and the people's property rather than to exploit them for the benefit of the political boss and the party machine. The people of a city cannot get real efficiency in the public business until they get real emancipation from the party boss.

Proposed Changes in New Jersey Law. Governor Fielder in October appointed a committee composed of the corporation counsels of the cities under the commission government law to suggest changes in the "Walsh" act. This committee met for the first time early in November. Its recommendations will hardly please the friends of the Initiative, Referendum, and Recall if the following suggested by one of its members are indicative of the majority opinion:

> That petitions for the recall of city commissioners should contain the names of at least 35 per cent of the legal voters, instead of 15 per cent, as required at present.

That the supreme court justices supervise the sufficiency of a petition for a recall before it is filed with the city clerk and that a commissioner proposed to be recalled have at least ten days' notice before the petition is presented to the Justice.

That affidavits accompany each signature to the recall petition.

That a deposit be made with the city authorities by the persons interested in the recall and retained by the city unless the recall is successful.

That separate petitions be provided when more than one commissioner is to be removed.

Commission Form for Philadelphia. A commission form of government for Philadelphia, to replace the present city and county offices, was suggested by City Solicitor Ryan in an address on November 13.

Mr. Ryan suggested a commission, to be substituted for the mayor and councils, and to be composed of fifteen members, five to be elected every two years on a non-partisan ballot and each to serve for six years. The president of this commission would act as mayor.

The commission form of government suggested by Mr. Ryan differs from other forms in that it includes the county departments under the commission's rule.

H. S. GILBERTSON.[1]

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Cleveland Charter Case.—The supreme court of Ohio has handed down its opinion on the Cleveland charter case. The new city charter, which goes into operation on January 1, eliminates the party primary, provides for nomination by petitions, and for the preferential system of voting. This is contrary to the provisions of the state law, which requires a partisan primary and the straight party ballot in municipal elections. The secretary of state instructed the local election authorities to hold the election under the state law. The city solicitor of Cleveland sought a mandamus to prevent the election authorities from spending any of the city's funds in holding a primary election, on the ground that it was contrary to the provisions of the new city charter.

The city's contention was sustained by the common pleas court and it went to the supreme court, which not only sustained it, but, in the majority opinion, sustained the whole principle of municipal home rule as incorporated in the recent constitutional amendment. The court says:

> The method of electing municipal officers would seem to be a matter peculiarly belonging to the municipality itself. The very idea of local self government, the generating spirit which caused the adoption of what was called the home rule amendment to the constitution was the desire of the people to confer upon the cities of the state the authority to exercise this and kindred powers without any outside interference.

The court then discusses the limitations fixed in the constitutional amendment itself and says:

> The inclusion of these limitations in Article 18 is a conclusive indication that the convention which framed it was conscious of the wide scope of the powers which they were conferring upon the cities of the state, with reference to their local self government. Not alone this, but in connection with the comprehensive grant they disclosed the intention to confer upon municipalities all other powers of local self government which are not included in the limitations specified.

The court further says:

> The provision of the charter which is passed within the limitations of the constitutional grant of authority to the city is as much the law as a statute passed by the general assembly.

The framers of the home rule amendment are entirely satisfied with the decision of the court and they claim that the opinion could not have been made more satisfactory to them. It sustains every point for which the advocates of home rule contended during the constitutional convention and during the campaign for the adoption of the home rule amendment. The election provisions were considered the most critical test which the charter could have had, and the cities of Ohio can now proceed to pass charters for their own local self-government, feeling assured that the intention of the home rule amendment will be sustained by the highest courts.

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[1] Executive Secretary, National Short Ballot Organization.

MAYO FESLER.[1]

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Colorado Springs.—At the election held April 1, 1913, Colorado Springs adopted an amendment to its charter abolishing the second election system for electing the city commissioners, and substituted therefor the preferential system of voting. The commissioners are elected directly to their respective departments. At the same election the city adoped an initiated ordinance providing for one day of rest in seven for municipal employees. This step on behalf of a city represents some of the concrete results of the national agitation for a day of rest. The city attorney has, however, held that the ordinance does not apply to the police department of the city.

⁂

Denver's Commission Valid.—On November 3, 1913, the supreme court of Colorado handed down a decision far reaching in its effect upon home rule in the state. In February Denver held a special election primarily for the purpose of voting upon the question as to whether commission government should be adopted in the city.[2]

An initiated charter amendment, contained amendments to the existing home rule charter establishing commission government at once, was adopted by an overwhelming majority. When the newly-elected commission assumed office, certain of the older officials refused to surrender their offices on the grounds that the charter amendment had been illegally adopted. The lower court overruled their contention, and now the supreme court by a vote of five to two has sustained the lower court.

The majority opinion held that the word "amendment" in the state constitution is "unlimited and unqualified," and that cities operating under the home rule section of the constitution may change their forms of government without recourse to a charter convention "as long as the proposed amendments are germane to municipal government." The court indicates that a new charter would be "an instrument complete in itself," and then shows that in the present case the amendments fall far short of such a complete document, since more than three hundred sections of the old charter are retained.

The dissenting opinion held that the amendments established fundamental changes in the organic laws of the city—that they, in fact, created a new charter, "a government as radically different as a kingdom is from a republic;" and that to secure such a new charter, the people of a city must act through a charter convention and not through the initiative and referendum.

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Pueblo's Interesting Recall Election—Two interesting developments took place at the election in Pueblo (population, 44,000), on November 4. The people then voted to reduce the number of city commissioners from five to three, and to raise municipal revenues hereafter under the single tax system.

Three amendments were initiated to reduce the commission from five to three; one provided for immediate reduction, one for reduction on January 1, 1916, and the third for immediate reduction and the recall of two of the hold-over members. The first amendment lost by a small vote; the second was defeated by a very large vote; and the third carried by a majority of 1168. The result shows that there was a strong sentiment for immediate reduction and that the people preferred to secure the reduction through the recall of two of the hold-over members rather than to allow the two expired terms for which the election was held go unfilled.

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[1] Secretary, Civic League of Cleveland.

[2] See NATIONAL MUNICIPAL REVIEW, vol.ii, p.287.

The measure by which the result was accomplished deserves some mention. The first two propositions were framed in quite lengthy amendments, prescribing in detail the new city organization. The amendment which was adopted is stated in the following curious legislative style:

> PETITION FOR REDUCTION OF COMMISSIONERS OF PUEBLO TO THREE AND RELIEVING THOMAS D. DONNELLY AND CHARLES A. LANNON FROM SERVICE:
>
> That the elective officers under the charter shall be three commissioners and three members of a civil service commission, all of whom shall be nominated and elected as now provided by charter.
>
> That the terms of office of Thomas D. Donnelly and Charles A. Lannon as commissioners of said city shall terminate immediately upon the adoption of this amendment, and that in Nov.1915, and every four years thereafter only one commissioner shall be elected instead of three as at present provided by charter.

The above is the exact wording of the amendment. The charter gives the commission power to make adjustments between departments, and, therefore no gap has been left in charter power.

Speculation was rife at once as to the validity of the amendment and the course that would be pursued by the recalled commissioners. So far as the latter are concerned they have responded nobly and have cleared the way for unobstructed action by resigning at once. Their resignations have been accepted by the commission. The question is, however, already before the supreme court in a case involving the validity of placing the particular amendment upon the ballot. The contention is made that this particular manner of recall is not provided for in the charter. Surely it is a peculiar form of recall.

William Bethke.[1]

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State Law vs. City Charter.—A curious situation exists in some of the Oklahoma counties containing cities of the first class in the matter of fixing the tax levy. The legal department of Muskogee is preparing to have the atmosphere cleared by a test case. The state law establishes an excise board for the county made up of certain county officers and requires that a municipality submit a budget to them to be passed on and that the levy for the year be fixed by this board. The Muskogee charter requires that the council by ordinance make the levy of taxes for city purposes. Under the prevailing fashion of increasing "home rule," questions of this sort usually come up from the municipality's claiming new powers, but in this instance it seems the city is trying to preserve a power it formerly exercised from what it considers unwarranted encroachment. The test case should prove interesting.

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Wyoming passed an act permitting cities which had been acting under special charters to come under the general law.

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[1] Instructor in economics, University of Colorado.

II. FUNCTIONS[1]

Civil Service Notes.—*Waterbury, Conn.*, on October 7 refused to adopt the civil service law by a vote of 2649 to 1887. The referendum, which had the support of the Connecticut Civil Service Reform Association, was opposed by the Democratic newspapers. The opposition which probably counted most strongly was the fact that the principal city departments, such as safety and public health, are governed by a commission of five men. It was not certain that the provision of the civil service law allowing the exemption from competition of administrative officers responsible for the policy of a department would apply to a commission whose function was that of a head of a department. For this reason the Democrats fought the referendum.

Omaha, Neb. A commission charter containing rather weak civil service provisions was recently approved by the charter convention. The charter, which will probably be presented to the people for adoption in February, provides for an elective council of seven members, the president of which shall be mayor. The latter is authorized to appoint a civil service commission of three members, who serve for overlapping terms of six years each. The members of the commission are subject to removal after a hearing by a two-thirds vote of the council. The charter apparently makes no provision for a division of the service into the classified and unclassified. The removal provisions allow the chief of police or the chief of the fire department or any "other officer, superintendent or foreman in charge of the work performed by classified service employees" peremptorily to suspend or discharge any subordinate for neglect of duty. Such suspension or discharge shall be reported to the head of the department, who may either affirm or revoke the action of his subordinate. The action of the head of a department shall be final "unless such employee shall within five days of such ruling appeal" to the civil service commission, which may order the reinstatement of the employee.

New York City. Mayor-elect John Purroy Mitchel and the majority of his associates on the board of estimate and apportionment are pledged to uphold the merit system. The civil service plank in the Fusion platform favors the "appointment and retention of city employees only upon basis of merit and the highest obtainable standard of efficiency in service, abolishing all useless positions." Mr. Mitchel, who will have the appointment of the three members of the civil service commission, in expressing his attitude toward the competitive system in a letter to the civil service reform association, stated that

> In few matters is the method of administration so important as in the case of the civil service laws and it is essential that the making and enforcement of rules should be in the hands of fair-minded, intelligent, resolute and trustworthy civil service commissioners.
>
> Believing in the duty and wisdom of

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[1] The information upon which the reviews of legislation in this issue and in the October issue are based was obtained from the following persons: California, R. S. Gray, San Francisco; Connecticut, George S. Godard, State Library, Hartford; Illinois, Victor J. West, Progressive Service Board, Chicago, now of Leland Stanford University; Ohio. Charles W. Reeder, State University Library, Columbus; Pennsylvania, James N. Moore, Legislative Reference Bureau, Harrisburg; Rhode Island, Grace Sherwood, State Library, Providence; New Hampshire, E. L. Page, Concord; New York, Clarence B. Lester, Legislative Reference Department, Madison, Wisconsin formerly Legislative Reference Department, New York State Library; Wisconsin, Leo Tiefenthaler, Municipal Reference Department, Milwaukee; South Dakota, Ida M. Anding, Legislative Reference, Pierre; North Dakota, I. A. Acker, Legislative Reference Department, Bismark; Montana, Mary F. Sheriff, Legislative Reference Department, Helena; Washington, Herman Brauer, University of Washington, Seattle; Colorado, William Bethke, University of Colorado, Boulder; Texas, Thomas Finty, Dallas News, Dallas; Wyoming, Grace Raymond Hebard, University of Wyoming, Laramie; Kansas, C. A. Dykstra, University of Kansas, Lawrence; Delaware, Irving Warner, Wilmington.

The editor acknowledges with thanks their contributions.

adhering to the spirit and letter of the civil service law, I shall not countenance the weakening of the merit system by special legislation, appointment of weak commissioners, or manipulation of the rules or classification.

Cincinnati. While it is too early to predict the effect which the defeat of Mayor Hunt will have on the administration of the civil service law it is none too soon to give due recognition to the work of the civil service commission, whose president, Charles B. Wilby, did so much to place the public service on a merit basis. The civil service law became operative in 1910. Prior to the inauguration of Mayor Hunt in January, 1912, the main purpose of the commission was to make the civil service law mean as little as possible. It was unusually successful in carrying out this policy, as no examinations were held during the first eighteen months of its administration. Only 330 positions were classified, and at the time of Mayor Hunt's election the administration of the law was of a farcical nature. Returning from the Richmond meeting of the National Municipal League, Mayor Hunt announced that he intended to install and uphold a genuine competitive system, and appointed Messrs. Wilby, Fenton Lawson and G. W. Armstrong, Jr. The new commission, among other things, immediately prepared and adopted new rules, which provided for a thorough-going reclassification of the service. In eleven months some 1600 positions outside of the police and fire departments were classified, as compared with 330 under the old administration. In holding examinations of a practical nature, the commission asked and secured the aid of public-spirited citizens having special training and expert knowledge in the different fields of municipal activity covered by the service. The work of the Hunt Commission made the merit system respected throughout the length and breadth of the city. Whether the defeat of Mayor Hunt means the letting down of the bars erected by Commissioner Wilby and his colleagues largely rests with the Mayor-elect, Judge Spiegel.

George T. Keyes.[1]

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Municipal Utilities.—*Two Epochs of Rate Regulation.* William J. Norton, M.E., secretary of the rate research committee of the National Electric Light Association, and formerly the first assistant secretary of the public service commission for the first district of New York, read a paper at the convention of the Michigan section of the National Electric Light Association in which he pointed out that there must be two periods in rate regulation: a preparatory period of "from ten to twenty years" in which public service commissions should assist the companies to make the needed adjustments, and "a second or final period of regulation in which pure theory may be applied without harm either to the public or the companies."

Since "rates, within reasonable limits seem to have so little to do with the gross or net income of an electrical company, i.e., judicial rate reductions so surely lead to increased business," Mr. Norton is more than surprised that more companies do not try the experiment of regularly making small reductions at various points in the schedule the minute that the statement shows any available margin. "A lower rate that gives an equal return," even if upon a slightly larger investment places the company in a "practically impregnable" position, "whereas the company with a high rate is subject to constant attack and the expense of defending its position." He suggests that perhaps "the real element of success which has offset" the "notorious inefficiency of operation" by municipal plants has been their "policy of low rates in order to get the money to build their plants." Electrical companies should establish such truths themselves and lower their rates before compulsory action is begun by public service commissions. "After all there is nothing in public service regulation," concludes Mr. Norton, "which the company itself cannot accomplish, and it is a very poor policy indeed for a company to wait until the public or a commission forces it to do things which it should have done on its own initiative." He feels that "there is one point, however, where a commission can be of great assistance to the companies and that is in overcoming the existing unfair prejudice against utility corporations."

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[1] Assistant Secretary, National Civil Science Reform League.

Valuation and Franchise for the Street Railway Lines of Kansas City. On June 6, 1912, Bion J. Arnold, of Chicago, for the receivers, and L. R. Ash, for the city, were made special commissioners by the federal district court to report upon a fair valuation of the Metropolitan Street Railway system of Kansas City. Their reports were made public in February of this year. Mr. Arnold concludes that a "fair and reasonable sum to represent the capital value" of the system is $35,000,000; of the Westport Company $1,700,000, a total of $36,700,000. This valuation is arrived at after taking into consideration: (1) the actual cash investments in the property; (2) the cost of reproduction less depreciation; (3) valuation based on deferred earnings upon the actual investment; (4) a fair market value.

These various valuations he summarized as follows:

1. Actual cash investment in the property:

Investment in the present property	$25,214,870.67
Investment in superseded property	9,083,190.48
Total investment.	$34,298,061.15

2. (*a*) Value as determined from the present value of the physical property alone and the intangible value on the basis of a protected investment:

Cost to reproduce physical property new..	$27,327,549.00
Less depreciation.................	5,792,513 77
Present value of physical property alone............................	21,535,034.23
Intangible values.................	13,491,541 27
Total value........................	$35,026,575.50

2. (*b*) Value as determined from the present value of the physical property and the intangible values on the basis of an unprotected investment.

Cost to reproduce new............	$28,643,733.02
Less depreciation..................	5,958,015.19
Present value of physical property..	22,685,717.83
Net intangible value............	12,951,284.82
Total present value.............	$35,637,002.65

3. Investment in property determined on premise that company is entitled to fair return on capital actually invested:

(*a*) Capital value obtained by adding to total investment the accrued deficit in operation below a fixed return, superseded property being retained in capitalization, using 6% and 7% as assumed fair rate of return:

	6%	7%
Total investment............	$34,298,061.15	$34,298,061.15
Accrued loss......	2,742,251.54	9,903,865.90
Total capital value...........	$37,040,312.69	$44,201,927.05

(*b*) Capital value obtained by adding to net investment the accrued deficit in operation below a fixed return—the superseded property being charged to operation in the year in which it was removed, assuming 6% and 7% rates of return:

	6%	7%
Total investment........ ...	$25,214,870.67	$25,214,870.67
Accrued loss......	10,829,343.47	18,573,637.20
Total capital value...........	$36,044,214.14	$43,788,507.87

4. It has been said that a reasonable fair market value is that sum at which a fair buyer would buy and a fair owner sell, both being willing to deal at a fair price. So testing and considering the question in the light of one's experience in and judgment of like properties in the large communities of the country, and taking into consideration the above mentioned elements as well as the entire situation and surrounding conditions, the fair and reasonable market value of the properties is in the judgment of your commissioner not less than the sums hereinabove given.

Mr. Ash's results were very different. For instance, he did not allow anything for the "intangible values" estimated by Mr. Arnold at around $13,000,000.

After these reports were filed three propositions were submitted to the court two offered by the receivers which Mayor Jost rejected, and one offered by the mayor which was not acceptable to the owners of the street railway. The three proposals were as follows:

By the receivers: (1) A valuation of $35,000,000, 6 per cent on that to the stockholders and all surplus to amortization of the property; (2) A valuation of

> $30,000,000, 6 per cent return to the stock holders, the surplus to be divided 25 per cent to the stockholders and 75 per cent to liquidate the property's debts and make it free to the city, in other words, to amortize.
>
> By the mayor—A valuation of $30,000,000 and 6 per cent return to stockholders until all of the surplus each year has reduced the capital value to the actual physical value, when the city shall take over the plant and thereafter pay the stockholders one third of the surplus, the other two thirds to pay off the remaining value of the property.

On June 25 the court approved the mayor's plan. A franchise is now under consideration providing for a metropolitan board of control consisting of one member appointed by the city, one by the company, and a third by agreement or, failing in that, by apportionment by the state public service commission, and looking ultimately toward municipal ownership and operation.

Municipal Ownership in California through Public Utility Districts. A suggestive movement for municipal ownership has arisen in Alameda and Contra Costa counties, as a result of the embarrassed condition of the Oakland Terminal Railways, controlled by the United Properties Company, a $200,000,000 corporation. This corporation exercises control by owning most of the common stock, which is entirely worthless, and enough of the preferred to give it the majority of the stock. As a result of financial embarrassments centering about the famous F. M. Smith, this company can get no money with which to finance its lines.

Two alternatives are offered. One is for the present owners of the road, that is, the bond holders, to raise enough money themselves to keep the lines going. If they cannot do this, they must sell. Selling to the Southern Pacific would mean the absolute monopoly of all transportation facilities. Selling to eastern or European capitalists would mean a repetition of that absentee ownership which has worked so disastrously in San Francisco and other cities throughout the United States.

Of as deep significance as the movement for municipal ownership itself is the machinery under which municipal ownership can be accomplished. Statutory provisions for public utility districts are rare in this country, but happily California has already at hand a statute whereby boroughs, cities, towns and counties may coöperate in order

> to acquire, construct, own, operate, control or use within or without, or partly within and partly without the district, works for supplying the inhabitants of said district with light, water, power, heat transportation, telephone service or other means of communication, or for the disposition of garbage, sewage, storm water or refuse matter, or parks, and to do all things necessary or convenient to the full exercise of the powers herein granted.

The district also has power to borrow money and issue bonds up to 15 per cent of the assessed valuation of the property within the district, to lay and collect taxes and to make contracts.

A district is formed upon the initiative of the council of any city; and it may consist of either incorporated or unincorporated territory, combined or separately, although no municipality may be divided in the formation of a district. The council of any city may pass an ordinance calling for the organization of a public utility district. This ordinance is then despatched to the councils of the other cities to be included in the district and, if unincorporated territory is to be included, to the board of supervisors of the county in which such territory is situated. These bodies must approve or disapprove the ordinance within forty days of its receipt. If the ordinance is disapproved by some one of the legislative bodies within the district a new ordinance leaving out such municipality or portion of a county is adopted by the initiating municipality and new proceedings commenced. When all approve the city initiating the proceedings fixes a date for an election. The district is formed if a majority of the votes cast in each city and piece of unincorporated territory are in favor thereof. Any city may advance funds for another city to help organize a district.

The management of the district is entrusted in the first instance to a board of directors composed as follows: (1) the mayor or president of the board of trustees or other governing body of each city and the chairman of the board of supervisors of the county if unincorporated territory is included; (2) a member of the city council or other person selected by the council from each city having at least 5000 registered voters; (3) an additional member of the council or other person for each additional 10,000 voters. In the utility district under consideration in California, this board of directors will include: the mayor and one other member from Alameda and Richmond; the mayors of Albany, Emeryville, Haywards, Piedmont and San Leandro; the mayor and two others from Berkeley; the mayor and four others from Oakland, and the chairmen of the boards of supervisors in Alameda and Contra Costa counties. This gives a board of nineteen men, so composed as to give at once both permanency of policy and popular control.

The direct control of the utility district in question is under three commissioners appointed by this board of directors. These commissioners have full power to make contracts, and have full executive control of the utility thus authorized. The directors receive no salary. The three commissioners receive such salaries as are fixed by the board of directors. The commissioners fix the charges for the service rendered. Any commissioner may be recalled by filing a petition signed by 15 per cent of the entire vote cast within the district for all candidates for governor at the last election. The directors are subject to the recall under the general laws of the state.

This offers a splendid example of avenues and agencies through which incorporated and unincorporated territories throughout the United States may unite in order to provide for their own public utilities. The leaders in this movement have been especially Prof. Thomas H. Reed, of the University of California; Mayor Charles D. Heywood, of Berkeley, and Mayor Mott, of Oakland.

The Lighting Situation in Chicago. The city utilizes three main forms of lighting: electric arc and incandescent, gas mantle, and gasoline mantle units. In a general way the city has been laid out as composed of (a) important business sections, (b) residential districts, some of which are shaded, and (c) the sparsely settled outlying regions. For business streets and residential streets adapted to such lighting, or included in circuit districts already partly electrically lighted, long-burning, alternating current, flame arc lamps have been adopted. For certain shaded residential districts, tungsten incandescent lamps are installed. Gas lamps of the inverted mantle type are used in the other developed residential neighborhoods, while the gasoline lamps are being restricted to sparsely settled sections until such time as it is possible to put in gas or electricity. Alleys are not commonly lighted within themselves, but lamps are so located upon the street-alley corners as to illuminate the alleys.

Chicago is primarily an electric lighted city. In connection with its drainage system it has a 25,000 k.w. power plant. This is operated by another municipality known as the sanitary district. Under contract with the city, it is now delivering from 8000 to 10,000 k.w. for the street lights at a cost of approximately 0.5 cent per k.w. hour. It is commonly reported that experience has shown that this charge is too low and next year the price will be about 0.59 to 0.60 cent per k.w. hour. Owing to restrictions put by the United States government upon the amount of water which may be drawn from the lake through the drainage canal, the full capacity of the power plant cannot be utilized, but it is hoped that this restriction may later be removed. Meantime, a commerial company offers current at $\frac{7}{8}$ cent per k.w. hour. With such very cheap electricity, Chicago uses primarily electric lights.

The high candle power flame arcs are placed to number 23 per mile of street, one at each street intersection and at each alley. In the business districts, the wires are underground, and the lamps are suspended from iron posts 23 feet from the pavement. In outlying sections overhead wiring is used and lamps are placed about 21 feet high. These lamps are provided with a large acorn-shaped globe of alba glass, which diffuses the light flux, thus removing the serious disadvantages of the very high brilliancy of the arc, so that moderate height suspension is possible without serious disturbance to vision.

The tungsten installation consists of an 80 watt lamp placed in a diffusion globe, mounted on top of a post, at a height of 10 feet. The posts are erected on the basis of 75 per mile of street, staggered on each side of the street. The wiring is underground. This system is well liked on shaded residential streets.

Both forms of electric lighting are open to the objection of the dangerous voltage carried, and to the usual outage of all the lights in a considerable section when trouble occurs on the circuit. The whole system from generating station to the lamps is owned and operated by the public. When the scheme is fulfilled, 48,000 flaming arc lamps will be lighting the streets of Chicago.

Cost of electric lighting per lamp per year

STYLE	POWER	MAINTENANCE	INSTALLATION COST	CAPITAL CHARGES	TOTAL ANNUAL COST
Flame arc, overhead wires	$11.00	$29.91	$162.75	$14.67	$54.58
Flame arc, underground wires ...	11.00	29.91	383.25	32.84	72.75
Tungsten, underground wires ...	2.11	11.25	106.14	10.9	124.27

Gas lamps to the number of 12,000 of the single inverted mantle type, in boulevard heads, are in use in residential districts. For a number of years preceding 1913, the city had owned and operated the gas lamps, purchasing gas at the usual flat rate from the gas company. Part of the original flat flame burners had been changed over to upright mantle burners. Because of the prospects of ample and cheap electric current from the sanitary district, the possibilities of improving the gas light service were ignored, with the result that the gas lamps were poorly equipped and maintained and the service utterly unsatisfactory. Early this year, to avoid capital expenditures for new equipment, and with the hope of improving the service, the maintenance was given to a contractor who agreed to install all new heads and burners, of the single inverted mantle type. The situation now is, that the city owns the posts, and erects them, the city buys gas at the retail rate for the lamps, and the contractor owns the heads and burners and is responsible for their proper maintenance. The service is far more satisfactory than before. The lamps are spaced about 80 to 100 feet, and are 10 feet high. The contractor receives $11.20, the gas company $9.09, and the city spends about $1.09 in supervision, post repairs, and depreciation, etc., totalling $22.38 per lamp per year for 50 candle power. Gas lamps are being substituted for gasoline lamps as fast as possible where gas mains exist.

Upright mantle gasoline lights are in use to the number of 7700, posts and whole equipment, as well as maintenance being furnished under contract. The cost for the 60 candle power lamps for 1913 was $32.89 each.

All contracts contain clauses providing for street testing of lights in service, and penalties for outages and deficiencies in service. The city maintains its own gas testing and photometric laboratories manned by trained men, and equipped with all necessary standards and apparatus to check up on quality of service.

In the four years of the existence of this technical organization, very little trouble has arisen with the contractors, they evidently appreciating that there was no use taking chances with such a qualified testing bureau. This testing bureau has also furnished the city with its own unbiased investigations of various proposed lighting units, both gas and electric, with determinations of the effects of glassware, and of height of suspension, upon the yield and distribution of the light. In fact, scarcely a step has been taken without a careful study by this technical force. So Chicago's lighting development is proceeding along scientific lines.

Another recent development was the working out, as the result of actual field tests and trial installations, of an adequate lighting rule for "subways" or street openings under railroad track elevations. A 16 candle power incandescent lamp with suitable reflectors for each 400 square feet of subway area was adopted. When regularly laid out, this gives a safe illumination, far better than the old one or two arc or gasoline lamps. Subways properly lighted are no longer the lurking places of hold-up men, and the the like.

Advancement in electrical lighting is well provided for. The next step is to utilize more fully the possibilities of economical and efficient gas lighting by means of high pressure gas. With the city already gridironed with a high pressure gas system, used as feeders for the ordinary mains, it needs only the abandonment of the old policy of one price to all consumers of gas, including the city to thus allow a low price for gas street lights. The highly efficient electric system would then be supplemented with an equally useful gas system, with its advantage of maximum reliability and continuity of service.

The lighting situation in Chicago illustrates one point which is all too common in American municipalities; namely, that in municipally conducted operations the municipality does not properly inspect itself. Under the former municipal operation of the gas street lights the service was very poor, and there seemed to be no disposition to inspect the quality of the service and keep it up to standard, by persons whose only interest and attachment to the service were in the nature of technical inspection. Similarly, the present plan for electric lighting service is not yielding as efficient results as it is capable of yielding, because no properly organized independent system of inspection of the quality of service is maintained.

To leave the inspection of a municipally operated service to members of the same organization which is carrying on the operation almost always results in poor service. When municipalities will learn that it is wise to organize a competent body of properly trained inspectors who are not at all under the control of the operative force, then municipalities may be expected to yield service reasonably as good as, if not better than, is gotten from contractors who are subject to the independent city inspection.

Judges to Fix Fees for Public Utilities. The Pennsylvania legislature at its last session extended the act of 1905 providing for the determination by the court of common pleas of the proper county of all disputes as to the reasonableness of the amount of license fees, between the municipal corporations and telegraph, telephone, or light or power companies to street passenger railway, motor traction, gas or water companies. The court wlll determine the amount of license fees which should be paid to the said municipal corporation in order properly to compensate it for the necessary cost of the services performed or to be performed by it, for the inspection and regulation of the poles, wires, conduits, cables, pipes, or mains of the said telegraph, telephone, light, power, street passenger railway, motor traction, gas or water company; and the amount thus determined shall be the maximum sum which the said municipal corporation shall be authorized to charge as license fees against such petitioning corporation.

Municipal Ownership in San Francisco. On August 26 of this year an election was held in San Francisco on the bond issue of $3,500,000 for the extension of the Geary Street Railway, as a step toward providing adequate transportation facilities for the exposition of 1915. Preceding the election, a vigorous campaign was waged, in which meetings, circulars, advertisements, motion pictures and street speaking played important rôles. The chief argument of the opponents of the issue was that it would increase the burden of taxation. On the other hand, its advocates, among whom were Mayor Rolph and Governor Johnson, urged that the enterprise would be a paying one, and would return a profit to the city after carrying all the burden of current expense, interest and sinking fund. The returns of the election show 51,452 votes for the issue, and 13,782 against it—a majority of 37,670. Compared with the vote of December 30, 1909, by which the first street railroad bond issue was ratified (31,151 for, to 11,704 against) a considerable increase in the strength of municipal ownership is shown.

Opinion of Experts Appealed to for Defeat of Franchise. The people of Lexington, Ky., have won a fight for the defeat of a lighting franchise in that city on the grounds that it was neglectful of public interests because it contained no adequate provisions for continuous control by the city, and no effective provisions for physical valuation as a basis for lighting rates, and no adequate provisions for fixing rates either for the present or at future times. Those opposing the franchise, led especially by Prof. Henry Lloyd, of Transylvania University, sent the franchise to experts all over the United States, including representatives of the Interstate Commerce Commission, the National Municipal League, the New York bureau of municipal research, the railroad commission of Wisconsin, and the public service commissions of New York and Indiana. At the election on November 4, the franchise was defeated by a referendum vote of 2506 to 2042. The two commissioners who voted for the franchise were defeated for reëlection and the two who opposed it were reëlected. At the same time a proposed bond issue for $200,000 for a municipal lighting plant was defeated. This will mean a new franchise drawn by the new commission and also other regulative legislation to be submitted to the state legislature at its forthcoming session. This campaign serves to emphasize the importance of national experts free from untoward alliances and ready to give an unbiased, uncontrolled opinion on franchise matters.

Clyde Lyndon King.[1]

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Buffalo Gas Rate Controversy.—In 1907 the city of Buffalo began a fight with the Buffalo Gas Company for a reduction in the price of gas. The proceedings were carried before the commission of gas and electricity on June 29, 1907, two days before it went out of existence, the act under which it existed having been repealed by the public service commission law which went into effect July 1, 1907. The rate fixed in those proceedings was 95 cents per 1000 cubic feet to private consumers, no rate having been specifically fixed applicable to the gas delivered by the company to the city itself. An action was then commenced by the company in the federal circuit court to set aside the decision of the commission of gas and electricity, but that action was abandoned when the court of appeals of New York declared unconstitutional the act establishing the commission. The gas company then took the position that it was entitled to charge the city 95 cents per 1000 for gas, and on the city's refusal to pay that sum, threatened to turn off the gas. The city commenced an action in the state courts and procured an injunction pendente lite, conditioned upon its paying the gas company on account at the rate of 75 cents per 1000 cubic feet. On appeal by the city to the appellate division of the supreme court this amount was reduced to 70 cents. The gas company then made a complaint to the public service commission for the purpose of having determined the reasonable price of gas to the city. The question was litigated before the commission and resulted in an order on February 5, 1913, which fixed the price of gas to be furnished by the Buffalo Gas Company to the city at the sum of 90 cents per 1000 cubic feet; the rate to be in effect for three years and thereafter until the commission upon its own motion or upon complaint of either party fixes a different rate. The question of the fair price to other consumers than the city was litigated in the proceedings but the commission declined to fix a maximum rate for the consumers.

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[1] Of the University of Pennsylvania.

Murray Gross.

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Union Water Districts.—An important act in New York[1] provides for the establishment of union water districts by any number of municipalities within contiguous communities provided they have a combined population of not less than 25,000. Such districts are subject to the authority of the state conservation commission.

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Public Safety Notes.—*Use of Police Dogs.* A recent competition of police dogs held in a suburb of Havre, France, on August 10, 1913, has prominently brought to the attention of police officers in this country the great assistance which may be derived from these animals in practical police work.

A trained police dog is able to execute the following commands: He will follow a policeman at the heel without roving; he will sit, crouch or stand at the policeman's command; he will refuse food offered him by any person other than a policeman; he will find and bring back to the policeman a hidden object; he will jump over an 8-foot fence or a ditch which is 9 feet broad; he will guard an object in the absence of his master; he will defend a policeman from attack when commanded to do so by the policeman; he will attack any man at the policeman's command and stop his attack at the policeman's command; the dog will search for a hidden criminal; he will follow a criminal into a house and effect his own escape if unable to detain the criminal; he will attack without being ordered to so do any criminal who attempts to escape; and he will at any time respond to a policeman's call for help and defend him from attack.

Cincinnati Police Report. The annual report of William Copelan, Chief of Police of Cincinnati, for the year 1912 conforms more closely to the ideal police report than any American report which has come to the hands of the editor of these Notes. The report contains an excellent exposition of the principal problems of police administration affecting the department; it is well illustrated to stimulate popular interest in the document; and unimportant statistics and data have either been omitted or printed in small type. The statistics of arrests are well analyzed and presented; there are however no statistics of felony complaints and felony convictions, from which indices of police efficiency might be calculated by the student of police administration.

Civil Service in Houston. By a charter amendment adopted in October the members of the police and the fire departments of Houston, Texas, with the exception of the chief of police, the chief of the fire department and the fire marshal, were placed in the classified service subject to competitive examination.

Leonhard Felix Fuld.

New Jersey made the police in all boroughs subject to removal only for incapacity, misconduct, non-residence or disobedience, after written charges and a hearing. Each member must be a citizen of the United States and a resident for two years of the borough, and from twenty-one to fifty-five years of age on appointment.

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[1] 1913, Chap. 233.

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Accounting Notes.—*Cleveland's General Ledger Report.* Unquestionably one of the most interesting reports of an accounting nature issued by city controllers or auditors during the last quarter was the "general ledger report" of the city auditor of Cleveland. The accounting reform which Auditor Coughlin has accomplished, as evidenced by this report, is deserving of much commendation. However, we would point out a few of the more important places wherein the report should be improved. Why call it a "general ledger" report? The vast amount of detail which it includes indicates that if the figures were all taken from the general ledger there is much need for readjustment of the various books of account in that office. The term is even abused to the extent of including on one of the early pages under the title "interesting general ledger facts" such matter as age, area, population, miles of streets, sewers, number of baseball diamonds, parks, cemeteries, street lights, etc.

Highly desirable as are municipal balance sheets there is a limit to their usefulness. The Cleveland report overdoes the matter and includes too many balance sheets. A separate balance sheet is published for each of the city departments. In many instances they are of practically no value.

The auditor has included among his fixed assets such items as tools, motor cars and motor cycles, live stock, implements, vehicles, harness, etc. Our recollection of legal definitions and also of accounting terminology, as recognized by practicing accountants, does not include such items among fixed assets.

All cash is reported as a current asset. One large cash item was marked as a bond fund. This would indicate that it was to be issued for permanent assets. If so, would it not be better to set this cash out separately in a group of capital accounts, because certainly it cannot be used as an offset against current liabilities? We also noted among the current assets an item of $2,821,500, "Tax Levy, 1912," and could discover absolutely no offset to this on the credit side or the balance sheet. Without such an offset in the form of a reserve for uncollected taxes or to meet commitments (appropriations) as they become actual liabilities, the resulting surplus is incorrect by that amount.

A State Budget for Ohio. The state of Ohio is soon to be placed on a budget basis. This was authorized by the last legislature and Budget Commissioner W. O. Heffernan, with the coöperation of the New York bureau of municipal research, has devised a complete state budget system including standardized appropriation accounting.

Other Cities Get Surveys. Among the cities for which the New York bureau made surveys of accounting and business procedure during the past quarter were Pittsburgh, Milwaukee, Reading, Pa., and Toronto, Canada.

Los Angeles Wants Efficiency. Following a survey of the business methods of Los Angeles, the council provided in the 1914 budget for a city bureau of efficiency and economy. This bureau will be conducted similarly to the Milwaukee bureau, devoting particular attention to accounting and cost matters.

"What Does Your City Own?" One of the last steps in the installation of New York City's new accounting system just completed relates to the setting up of property ledgers showing exactly what the city owns. These amounts had never before been compiled. Determination of the cost of pavements and sewers and also of the property of the public service commission and board of education has not yet been completed. The figures to

date for the other city property, however, reach staggering totals, as follows:

Land,	$874,600,000
Building and structures,	414,000,000
Waterworks property, outside of city	18,000,000
Equipment,	15,000,000
	$1,321,600,000

The fact that New York and Philadelphia have actually accomplished the determination of their property costs and values should serve as an incentive to smaller cities to do likewise.

Herbert R. Sands, C.P.A.[1]

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Supervision of Accounts.—An Oregon law of 1913[2] places the duty to formulate uniform accounts for state offices and institutions expending state money and for counties, on the insurance commissioner who may also formulate accounts for road and school districts.

The public examiner of accounts in Minnesota was given supervision over the accounts of cities of 10,000 to 50,000.[3]

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Chicago's Financial Outlook.—The financial relief anticipated by the city of Chicago as a result of the park consolidation bill which passed both branches of the Illinois state legislature last spring and which was intended to vest in the city control of all the parks and playgrounds in the municipality was denied the city by the action of Governor Dunne who vetoed the measure on constitutional grounds. It was estimated in some quarters that if the measure had become law the city would have derived benefits aggregating $2,556,000. Nevertheless, as matters now stand, the change in the Juul law[4] and the issuance of $2,880,000 in bonds will enable the city for the time being to meet its pay roll obligations and maintain its credit. However, upon the expiration of the Juul law amendment, which will take place January 1, 1916, the city will again face the old conditions, but it is hoped by that time the urgent demands of civic associations and public spirited citizens will prevail and give the city a fundamentally improved revenue system.

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Public Health Notes.—*County Laboratories* to aid in the diagnosis and control of communicable diseases have been established by seven counties in New York state and an eighth county has provided for the same general service by contract. The first of these laboratories was opened in October, 1907, at Canandaigua, by a local sanitary association, but was afterwards taken over by the county. In 1908 the New York legislature authorized[5] the board of supervisors of any county in the state to establish what may properly be termed a public health laboratory, or to make a contract with some county or city laboratory for the service. Since the Ontario county laboratory service was established the following counties have started laboratories, the order being chronological: Steuben, Onondaga (contract service), Livingston, Monroe, Warren, Madison and Genesee. During the year 1912 the number of samples examined at each laboratory ranged from 5712 to 610. Broadly speaking, these county laboratories serve counties, the separate minor civil divisions of which could not or would not provide laboratory service. Dr. Wm. S. Magill, of the state department of health, Albany, N. Y., is director of laboratories and can give information regarding the county laboratories.

Coöperative Board of Health work has been carried on for about a year by a group of Massachusetts towns in accordance with a general plan mapped out by Prof. Wm. T. Sedgwick and other officers of the department of biology and public health of the Massachusetts Institute of Technology. The first town to adopt the plan was Wellesley which for three years had employed a trained full-time officer to serve as agent of its local board of health. Subsequently the following towns joined Wellesley, in order named: Belmont, Framingham, Weston, Needham, Melrose, Winchester and Canton. This coöperative work has been under the direction of Prof. Earle B. Phelps, a member of the Institute staff already named and a consulting engineer. Professor Phelps has served as general agent for the various boards and under him have been a chemist and bacteriologist, a plumbing and sanitary inspector, besides laboratory and clerical assistants. A central laboratory is maintained at Wellesley. An automobile and motorcycle are used. Besides the central organization various local agents and inspectors are employed. The plan makes possible a trained central administrative force and good laboratory service, all at relatively small cost. The plan was described more fully by Professor Phelps in a recent number of the *Journal of the American Public Health Association.*

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[1] Secretary of the Metz Fund, New York Bureau of Municipal Research.

[2] Chap. 286.

[3] Laws 1913, Chap. 154.

[4] See National Municipal Review, vol. ii, p. 691.

[5] Chap. 255, p. 727, Laws of New York.

M. N. Baker.

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Fire Prevention.—The *Indiana* legislature passed a state fire marshal law patterned closely after the model law proposed by the Fire Marshals' Association and the National Board of Fire Underwriters. The fire marshal is given extensive powers to compel the correction of fire hazards and to condemn buildings especially liable to fire. The law gives this official express directions to

> make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or inflammable fluids or compounds, tablets, torpedoes, or any explosives of a like nature, or any other explosives, including fire works and fire crackers, and may prescribe the material and construction of receptables and buildings to be used for any of said purposes.

Whether or not regulations thus issued can be enforced in a court of law has not been expressly determined. The attorney-general of New York has given an opinion that the fire marshal of that state is not bound by local ordinances but may enforce rules which go beyond the local standards. The power to condemn buildings is now the subject of a law suit in Indiana and also in Michigan. The objection is that the state makes no compensation for the property condemned. Each city fire chief is made an assistant state fire marshal. Every fire occurring in the city to which the department is called is reported to the state official.

The *Kansas* legislature created the office of state fire marshal at the 1913 session. The law is devoted chiefly to the procedure to be followed in the investigation of incendiary fires and is very weak in that section relating to the correction of physical hazards. The only specific grant of power is that giving the marshal authority to remove or remedy hazards caused by combustibles.

North Dakota created the office of state fire marshal.

The *Montana* legislature amended the fire marshal law passed in 1911, making more explicit the powers relative to orders for corrections and condemnations and specifying the method by which such orders shall be served.

Minnesota repealed all former laws and embodied the old statutes and several new sections in one chapter.[1]

This law follows the model law closely in its effects and meaning though entirely different in arrangement and phraseology. The attorney for the department is placed under the direction of the state's attorney-general, though paid from the fire marshal's fund. The marshal and his deputies by a special section are given the authority to require immediate correction of hazardous fire traps whenever such conditions are found as "are a menace and dangerous to the safety of life and limb of the occupants of said building or adjacent buildings." Orders of the state fire marshal are to be served in the same manner as a summons is served in district court, except in cases where the order is served by publication. The order and the proof of the service must be filed in the office of the clerk of the district court in which the affected property is located. Where the property is occupied by a tenant the law expressly provides that the tenant must also be notified. The tax upon the fire insurance companies for the maintenance of the department is increased from one-fourth of one per cent on the gross premiums received in the state less return premiums to three-eighths of one per cent on this amount.

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[1] Known as Chap. 564, Acts of 1913.

The *Michigan* fire marshal law was amended to provide for appeals to the circuit court whenever any person upon whom an order was served was aggrieved by such order. It is under this section that the present law suit regarding the power of the marshal to enforce his order is brought.

Michigan also passed a very good measure providing regulations for the construction and operation of moving picture shows. The courts have already sustained the right of the marshal to close those "movies" not complying with the law.

Texas repealed the law enacted in 1911 known as the state insurance board law, enacting in its place the state fire commission law. This provides for three members: the secretary, the state fire marshal, and the commissioner of insurance and banking. The law gives the commission power to make rates for fire risks and prepare a uniform policy to be used by all companies doing business in that state. The fire marshal is not given the powers necessary to make his work a success. This part of the law at least is weak. The insurance companies are to pay one and one-quarter per cent of their gross premiums on Texas business to support the new commission, instead of $25,000, assessed pro rata on the gross premiums as heretofore.

Wisconsin. The legislative fire insurance investigating committee recommended that the oil inspectors department, the state insurance department and the fire marshal department be consolidated, but the legislature failed to act.

Pennsylvania. An attempt was made to amend the fire marshal law. One of the interesting provisions of the proposed measure was that appropriating $2500 to employ a competent statistician. The proposed law gave the marshal greater power and struck out that joker now present in several of the fire marshal laws providing that no person could be prosecuted for arson who had been compelled to testify in a preliminary investigation conducted by the fire marshal's department.

The *Massachusetts Fire Hazard Commission* gave its report in January of this year. The report is contained in an interesting pamphlet of 28 pages. Eleven pages are taken up in setting forth the recommendations of the majority of the commission. Then follows the suggested legislation. The committee recommends a permanent metropolitan fire hazard commission which shall have power to compel all cities within the district to maintain their fire departments so as to reach a given standard, to compel cities to maintain a suitable place for the disposal of inflammable refuse and the power to maintain a staff of inspectors for the inspection of premises to see that the rules and regulations of the commission and the law creating the commission are obeyed. The commission lays stress on the desirability of legislation regulating the construction of buildings, the establishment of fire limits according to the fitness of the boundaries instead of an arbitrary selection of a certain street as the outer limits. The commission would encourage the formation of fire proof building barriers in the principal districts that conflagration might be arrested by them. The commission recommends a law to prohibit the use of a shingle roof, a law providing that all upright supports below the first floor of building shall be made of incombustible material, a law limiting the height and increasing the distance between certain kinds of buildings, and a law providing that all smoke and vent pipes for stoves, furnaces and heaters, including gas stoves, should be better protected.

RALPH E. RICHMAN.[1]

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Proportional Representation.—*Great Britain.* A municipal representation bill, providing for the election of the councils of British municipalities by the Hare system of proportional representation, is now before Parliament. As the same system has been incorporated in the parliament of Ireland bill, for the election of the senate and the house proposed for that country, by amendments passed with but little opposition, it has a good chance of passing for municipal councils in the life-time of the present parliament. The system has already been adopted for the election of representatives by the British medical association, the national union of clerks, the national union of railwaymen, and the women's liberal federation, and for the election of the insurance committees provided for under the national health insurance act. It has also been endorsed (for parliamentary elections) by the Scottish trades union congress, the Irish trades union congress, the national league of young Liberals, and other similar organizations.

Jacksonville, Fla. The civic organizations approved a proposed charter providing for the election of the council by the Hare plan. The charter was to have been submitted to the voters on November 4. Its submission was prevented, however, by the opposition of the present city council, which undertook to submit instead a charter approved by itself. The submission of the council's charter was prevented by an injunction, so the council's action resulted in preventing the submission of any charter at all.

South Africa. The action of the provincial council of the Transvaal, in the autumn of 1912, in discontinuing the use of the Hare system for the election of the councils of Johannesburg and Pretoria not only failed to secure the approval of any newspaper or any considerable section of public opinion in the cities affected, but resulted in stimulating greatly the movement for the extension of the reform to the other provinces of South Africa.

The single tax communities of Halidon, near Portland, Me., and Tahanto, in the town of Harvard, Mass., are governed by a council elected by the Haresystem of proportional representation.

The *Proportional Representation Review*,. a department of the quarterly *Equity* that has been edited for some years by Robert Tyson of Toronto, will be edited hereafter by the writer. *Equity* is published by Dr. C. F. Taylor at 1520 Chestnut Street, Philadelphia.

C. G. HOAG.[2]

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New York's Electoral Reform.—The extraordinary session of the New York Legislature, convened by Governor Glynn in December, passed two electoral bills of first class importance: A Massachusetts ballot bill and a much improved direct primary law.

The new ballot law may be dismissed with brief comment. It abolishes party columns and straight ticket voting. The candidates are arranged, not alphabetically, but in party order, and have a small party emblem opposite each name.

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[1] Secretary, Indiana Fire Marshall Department.

[2] Secretary, American Proportional Representation League, Haverford, Pa.

Still it accomplishes the main reforms, and had the support of the City Club and of the Citizens' Union. It is interesting to note that the many years of advocacy of this measure finally produced a group in the Democratic party committed to it. The leader of this group is ex-Senator John Godfrey Saxe, of New York, to whom much credit is due.

It is not difficult to understand the provisions of the new direct primary law, but its position in New York's political development requires explanation. The direct primary movement is due to ex-governor, now Justice Hughes. His bill differed from any direct primary law then or now on the statute books. These laws seem to presume either that party organization will cease to exist, or that it will take no interest in nominations. Governor Hughes refused to assume what we all know not to be the fact in "simon pure" direct primary states. He therefore proposed to simplify party organization so that it could be understood and controlled by party voters. He then proceeded to give party organization the opportunity, definitely and publicly, to propose candidates for party nomination. This was to take place over a month before the primary, giving party voters ample opportunity to organize dissent from the organization proposals on one or all offices. It is my personal judgment that this is the most statesmanlike party primary system yet proposed.

But when Tammany passed the first, and fake direct primary law in 1911 it bent this Hughes system to its own purposes. Instead of simplifying party organization it permitted it to be made more complex and uncontrollable. It then gave to this kind of party organization the power to suggest candidates, and gave party voters just five days in which to organize any dissent; in short, it made the 1911 direct primary law an engine, not only for perpetuating existing party organization, but even for giving it as tight or tighter control over nominations than even under the convention system.

The natural result followed. The state loathes the machinery involved in the Hughes bill because of the atrocious use to which the Tammany law put it.

Hence the new law is "simon pure." All primary candidates go on the ballot by petition. The number of signatures required is reasonable, and the primary ballot is in the Massachusetts form, each candidate receiving a number, by which the illiterate voter may identify him. Parties are not precluded from holding conventions, except for the nomination of candidates.

I think it is fair to say that this law will compare favorably with direct primary laws generally; but it is most unfortunate that the trial of ex-Governor Hughes' more statesmanlike plan must be postponed to some future date.

Robert S. Binkerd.[1]

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City Planning.—Considerable legislation providing for systematic city planning was enacted in the eastern states this year besides numerous provisions for extension of park development and local betterments in certain cities and provisions making condemnation proceedings easier for planning.

The states which were most active were New York, New Jersey, Pennsylvania, Connecticut and Massachusetts.

In *New York*[2] every city and incorporated village is authorized to create a planning commission and to provide money for its support. Such commissions shall be created for villages by ordinance of the trustees and for cities by the council except New York City where it is created by the board of estimate and apportionment.

When created, the planning commissions have power to pass upon any of the following matters before action by any other board or officers. The adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge; statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village.

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[1] Secretary, New York City Club.

[2] Chap. 699, Laws 1913.

The law does not contemplate interference with any art commission or park commission in their powers over the acceptance for the public of any work of art.

The commission may cause maps to be made showing all data for city planning and the council may require all plats to conform to the plan before being approved for record.

Two laws were enacted in *New Jersey*. Cities of the first class are authorized to provide for a city plan commission. The commission may employ experts and shall prepare from time to time plans for the systematic and further development and betterment of such cities. They may make any investigation relating to the development and betterment of the city and report conclusions to any department interested and may make surveys, plans and maps. All plats or replats must be submitted to the commission for approval. A maximum appropriation of $25,000 may be made in any city.[1]

Second class cities are given like power to establish commissions, but no authority is given over platting.

Connecticut passed three special acts applying to New Haven.[2] New London[3] and West Hartford.[4] In New Haven a city plan commission is created with power to make a comprehensive plan for the development of the city. The commission may employ experts. An important provision of the act authorizes excess condemnation as follows:

> ". . . . said city of New Haven may buy and hold real property or any interest or estate therein within its corporate limits for establishing esplanades, boulevards, sites for public buildings," etc. and after the completion of such improvements, may convey and give good title to any property thus acquired and not needed for the improvement with or without reservations concerning the future use and occupation of such real estate.

In New London the park board is to prepare a comprehensive city plan and may employ expert advisers. The town of West Hartford is authorized to create a planning commission if the people so vote.

Pennsylvania also passed two acts. The first creates a city planning department in cities of the third class. The commissioners are to be appointed by the mayor and councils. All ordinances relating to the location of any public building and any change in any street, tunnel or railway must be submitted to the commission for their consideration. They may disapprove, but not veto. The commission may cause maps of the city to be made including the territory for three miles outside and lay out proposed locations for public buildings, parks, streets, etc., and may make recommendations as to any change in the plan of the city. All plats and replats within the city must be submitted to the commission for approval and the disapproval of the commission shall be deemed a refusal of any proposed dedication of public purposes.

A second act authorizes the creation of suburban metropolitan districts of the areas within 25 miles of the limits of cities of the first class. The law states its purpose

> That in order to secure coördinated, comprehensive plans of highways and

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[1] Chap. 72, Laws 1913.

[2] Special Act No. 243, Laws 1913.

[3] Special Act No. 351, Laws 1913.

[4] Special Act No. 291, Laws 1913.

> roads, parks and parkways, and all other means of inter-communication, water-supply, sewerage and sewage disposal, collection and disposal of garbage, housing, sanitation and health, playgrounds, civic centers, and other public improvements, as hereinafter provided for, the districts surrounding and within 25 miles of the limits of cities of the first class, whether in one or more counties, and in order to prevent waste by unnecessary duplication, the areas included within 25 miles of the limits of cities of the first class shall be denominated the suburban metropolitan districts of cities of the first class. When any city, borough, or township is partly within and partly without the 25 mile limit, the whole of such city, borough, or township shall be regarded as within the suburban metropolitan district.

The suburban commissioners for each city are appointed by the governor and consist of fifteen members. The commission is required to secure maps of the entire district and lay the same before the governmental authorities of the district, showing all the facts relating to a comprehensive plan, and make recommendations for the development of the plan. Any city, borough or township within the district may request of the commission that plans be made for any of the subjects under its jurisdiction.

In Massachusetts[1] every city, and towns of more than 10,000 population are required to establish planning boards

> to make careful studies of the resources, possibilities and needs of the city or town particularly with respect to conditions which may be injurious to public health or otherwise injurious in and about rented dwellings and to make plans for the development of the municipality with special reference to the proper housing of the people.

In cities the board is to be appointed by the mayor with consent of the council or appointed by the commission in commission governed cities. In towns the board is to be elected by the voters. Each board must report to the state homestead commission.

John A. Lapp.

Housing and Town Planning.—Dr. Carol Aronovici will deliver a course of lectures at Swarthmore College dealing with the subject of housing and town planning in which he will discuss the fundamental causes of the housing problem from the point of view of the land question; cost of materials and their relationships to American trade; taxation; methods of financing working men's homes; causes of congestion; direct and indirect housing legislation. Under town planning will be considered the method of initiating a town plan; the social significance of a street layout and its relationship to the community; transportation; distribution of industries; planning for recreation, suburban expansion and other similar subjects.

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Social Centers.—The social center movement, the result primarily in various localities of personal or private impetus, assumed rapidly the dignity of a municipal function and has now reached the point of recognition where social centers are being established on a state-wide basis in several commonwealths.

Wisconsin, again the pioneer in state legislation, enacted a law in 1911, authorizing school trustees or school or other boards to grant to organizations of a civic, social or recreational nature, the use of schools and public buildings and property for public meetings, on petition of one-half the voters of the district. Laws passed by California, Indiana, Massachusetts and Ohio, in 1913, are generally indicative of the tendencies of the more recent statutes on the subject.

In California, the law establishes a civic center at every public school house in the state, providing free light, heat, janitor service and a special supervising officer, out of the county or district special school funds, the only charge for the use of the property being in case of entertainments where the public is charged an admission fee. These civic centers are to be under the control of the school trustees or district boards of education, who also appoint the supervising officer.

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[1] Mass. Laws 1913, Chap. 494.

The Indiana law is practically a reenactment of the Wisconsin one, except that application for use of the schools or public property must be signed by one-half voters residing within a radius of two miles. Heat, light and janitor service are furnished free to citizens' organizations of a non-partisan, non-sectarian, non-exclusive nature for the discussion of public questions, and for such other activities as the school or other board may approve, the persons making application for the use of the property being responsible for all damages.

The Massachusetts statute is brief, simply authorizing the school committee of any city or town—Boston excluded—to conduct educational and recreational activities in or upon school property and to allow individuals and associations to use them for the same purposes, under regulation and without charge to the public.

Ohio grants the use of all school grounds and buildings under control of the state as social centers for meetings on application by responsible organizations or groups of seven citizens who are not only responsible for damages but also for janitor service, heat and light. Further, boards of county commissioners are authorized to provide and maintain civic and social centers in the county, employ expert directors and levy a tax to pay all expenses.

Ethel Cleland.[1]

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Public Libraries.—Library legislation this year has not revealed any marked originality, but a few things worthy of notice are seen in the laws of those states which have already published the results of their legislative sessions.

Nebraska has enacted a law authorizing the establishment of a pension system for public library employes in "metropolitan" cities that have a population of 100,000 or more. The retirement fund is to be created: (1) by an assessment of not more than one and one-half per cent on each installment of the salaries of the regular employees; (2) by setting aside from public funds an amount equal at least to one and one-half times the amount of salary assessment and sufficiently large to meet the payments provided for; (3) by the receipt of donations. If the fund becomes large enough to meet all probable demands then the salary assessment shall be temporarily suspended. The fund is to be under the control of the city council. The city council may retire any employee after thirty-five years of service and must retire employes after forty years' service. In either case the employe, if twenty years of his service have been spent in the public library of that city, is entitled to receive $420 a year, payable monthly. Employes who have been in the service twenty years may be retired under certain circumstances.

Two states, *Kansas* and *South Dakota*, have given library boards the right to determine, within certain limits, the rate of taxation for the public library. In Kansas, the board of nine members, of which the mayor is one, may specify any rate up to four-tenths of a mill on the dollar, and the tax specified must be levied. In *South Dakota*, the new general library law requires the public library trustee to make a careful estimate of the necessary expense for maintenance for each year and to certify to the tax levying authority the tax levy needed, and such levy must be included in the regular tax levies, provided it be not more than two mills on the dollar.

Iowa, a state with many commission-governed cities, has found it necessary to provide that library boards in such cities shall consist of five members appointed by the mayor with the consent of the council and that the powers of these boards shall be the same as those possessed by public library boards in cities not having the commission form of government. *Minnesota*, on the other hand enacted a law, giving city councils of cities of 50,000 population which have home rule charters, power to fix the salary of the librarians of the public library.

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[1] Indiana Legislative Reference Bureau.

A *Missouri* law authorizes the establishment of separate libraries for colored people.

A few states have made provision for an increase in library tax levies.

Massachusetts, *Oregon* and *South Dakota* have enacted important laws affecting the public library commissions; several others have increased the appropriations for these departments. The board of free library commissioners in Massachusetts is authorized to appoint an agent or secretary at a salary of $2000 to direct educational work (presumably in connection with public libraries) for the benefit of foreigners.

The *South Dakota* legislature this year enacted a law establishing a free library commission. It consists of the governor, the superintendent of public instruction, the state librarian and two other persons appointed by the governor after nomination, one by the state library association and one by the state federation of women's clubs.

The public library commission of *Oregon* by an act of the Oregon Legislature, has become the state library and the members of the commission have become trustees of the state library and the secretary has become state librarian. All the duties of the former commission now devolve upon the new state library, together with certain other duties usually performed by state libraries, such as collecting and indexing documents of value to state officials and to the legislature.

Rural library extension from public libraries in towns and cities received attention in *Iowa*, *Minnesota* and *South Dakota*. In Iowa the law which provides for the coöperation of towns and townships in supporting libraries was amended so that any county, township, school corporation or adjacent town may now levy a tax for a town library and make a contract with the library board for extending the service into such county, township, school corporation or adjacent town, such contract to be for a period of five years unless otherwise specified. The same law includes provisions for the establishment of free libraries in any city, town or township by a vote of the people for rural library extension from these libraries and a library tax levy of not to exceed two mills on the dollar.

CARL H. MILAN.[1]

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Trees in Cities.—Tree-planting campaigns are being carried on in many cities of the United States, resulting in profit and attractiveness to these cities. In *St. Louis*, for instance, the estimated value of the 66,500 trees and shrubs turned out in two years by the two municipally owned greenhouses was $12,721.70. The original cost and maintenance expenditures amounted to $4,000, leaving a net profit to the city of $8,721. Formerly the park department was forced to buy the trees they set out. In *Philadelphia*, the Fairmount Park Commission, which has supervision of over 127,000 street trees in the city, is planning to turn many treeless streets into shady avenues as a step toward conserving life and health. A tree-planting campaign in *Baltimore* in 1914 will be extended to the planting of 1500 trees, and during the winter all the dead trees in the city will be removed. It is estimated that by planting seedlings the city will in the course of three years save many hundred of dollars each year.

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Park Commissioners in Montana.—Montana has provided for creating a board of park commissioners composed of the mayor and six other persons to be appointed by the governor in all cities of the first and second classes.

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[1] Secretary, Indiana Public Library Commission.

Recent Advances in Smoke Abatement.—Smoke is not an "indication of prosperity;" on the other hand, it is a sign of mismanagement and waste—industry's "badge of shame." The more dense the smoke, the greater the fuel waste through the emission of unconsumed gases. Yet, disregarding the fuel waste in furnace entirely, it is estimated that the city of Cleveland was damaged to the extent of $12, and St. Louis and Chicago $8, *per person* due to the effect of smoke on hotels, houses, business property and the general health. Nearly one-half an ounce, or three-quarters of a pint, of soot was extracted from the lungs of a tramp. But as a city cannot enforce an ordinance unless it is reasonable, there is special need for a wise choice of methods for the regulation of the smoke nuisance.

At present the best known method is the machine-fired furnace with automatic stokers, and an ample combustion chamber. With automatic stokers the thickness of fire can always be evenly maintained, and the exact amount of air can be passed over the fire to mix with the gases arising from the even bed of coals. Air enters and passes out of the combustion chamber in just one second; it must be heated to ignition temperature and mixed in this time. Therefore a large combustion chamber is necessary to permit of thorough mixing and to produce the maximum amount of CO_2.

In direct relation to furnace design is the carbon dioxide recorder, an instrument coming into higher appreciation and greater use every day. The instrument records the per cent of CO_2 at the outlet of the combustion chamber. The ideal furnace combustion should result in 12 to 14 per cent of CO_2 in the stack.

The difficulty in burning bituminous coal smokelessly is that the fuel burns partly as a gas and partly as a solid, and the gas burns in much shorter time than the solid. The steam air jet has, to a great extent, alleviated this difficulty. Steam introduced under the grate keeps the fuel bed open for draft and when introduced over the fire it serves as a perfect mixer of the air with the fuel gases. The steam air jet has also been and is being used successfully on locomotives. Front-end devices have made it possible to reduce by one-half the amount of cinders and dirt carried into the air.

Electrification of railroads is conceded to be the real solution of the railroad locomotive smoke problem, and this in Chicago amounts to from 30 to 50 per cent. It has already been demonstrated that two electric locomotives are capable of as great a load as a 60 ton steam locomotive, and are more efficient, due to the mechanical advantage of having the weight centered over the driving wheels. Steam locomotives carry part of their weight in the tender.

The gas producer is fast becoming a factor in conservation of fuel and abatement of smoke because of the ability to use inferior grades of coal. Internal combustion engines and gas producers have both reached a high state of perfection in design, efficiency, construction and use of fuel.

Electricity conducted through wire woven in a number of small pipes placed at the top of the chimney has proved successful in abating smoke. One-third to one-half of the solid matter in smoke consists of iron oxide, and the strong current precipitates the small particles in the smoke into larger ones which fall back from their own weight.

Karl J. Zellner.[1]

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The New York Smoke Ordinance.—An ordinance prohibiting the discharge of dense smoke from any building, vessel, engine or motor vehicle in New York City was declared unconstitutional by the Court of Special Sessions last summer. Although the decision was by a lower court it is worth noting because the local health ordinance in question affords an example of arbitrary prohibitive legislation which utterly ignores long established scientific standards or tests and also because it is questionable whether the reduction of the smoke nuisance is a proper function of a health department. Considering first the arbitrary character of the legislation[1] the three judges on the bench agreed that it was unreasonable and oppressive to prohibit the discharge of dense smoke

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[1] University of Pennsylvania

> irrespective of the color or the degree of soot, cinders or other injurious matter it may contain, if any; irrespective of the quantity or volume of the smoke emitted, and of the time or length of time the same is being discharged, and irrespective also of the locality or surroundings where the smoke is discharged.

In other anti-smoke legislation it is common to permit the discharge of smoke for a few minutes, as when starting up a fire in the morning, and instead of simply prohibiting any and all dense smoke, the character of the smoke prohibited is frequently specified, as determined by what is known as the Ringelman smoke chart. Although there are reasons for believing that smoky atmospheres are injurious to health the testimony bearing on the subject is for the most part vague and a matter of opinion or reasoning from analogy and rarely if ever rests on any sure foundation of vital statistics. In some states the courts have placed attempts to control or reduce the smoke nuisance in the same category as attempts to prevent noises and various other common nuisances; that is, within the general police power exercised by the main governing body but outside the pale of health legislation.

M. N. Baker.[2]

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Single Tax in Pueblo.—The home rule amendment of the Colorado constitution gives the cities complete power to "regulate the assessment, levy and collection of taxes for municipal purposes." On November 4, 1913, Pueblo availed itself of this power by adopting the following amendment to its charter by a vote of 2711 for and 2171 against:

> Section 2. . . . . provided that all taxes levied shall be levied in the manner following, and not otherwise:
>
> *a*. On and after January 1, 1914, a tax of not less than one-quarter of one mill, and not more than one mill, shall be . . . . levied upon all taxable personal property within the limits of the city, and upon all the taxable personal property within the several parts, water districts and park districts thereof.
>
> *b*. Real estate improvements and all improvements in or upon land shall, on and after January 1, 1914, be exempt from all taxation for municipal purposes to the extent of fifty per cent, or one-half of its present assessed value; and all such property shall, on and after January 1, 1915, be exempt from all taxation for municipal purposes to the extent of ninety-nine per cent of its value.
>
> *c*. Land, exclusive of all improvements in or upon it, the franchises of all public service corporations, and all other rights of way and franchises in the public streets and alleys shall never be exempt from taxation for municipal purposes.[3]

The amendment came somewhat as a surprise. In characteristic American fashion all eyes are how turned to the courts. The suggestion is made that the home rule amendment did not contemplate giving to the cities the power to adopt any new scheme of taxation, but limits them to a choice of the existing practices. Again, it is said that the amendment conflicts with the rule of uniformity laid down in the constitution with respect to taxation.

William Bethke.

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Occupation Tax in Question.—In many of the newer cities a common way of raising revenue is by means of an occupation tax. In *Turner et al. vs. City of Ardmore et al.* the plaintiffs objected to the tax, and obtained an order restraining the city officials from prosecuting them for failure to pay it. The supreme court of Oklahoma[1] held the order erroneous for the reason that the plaintiffs possessed an adequate remedy in the right to appeal from the decision of the municipal court, and that they should have adopted that procedure. Occupation taxes, being usually temporary expedients, are frequently contested. If fairly adjusted, however, they may be legally levied, and are a legitimate, though unsatisfactory, way of raising revenue.

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[1] Sec. 181, Sanitary Code, City of New York.

[2] Montclair, Board of Health.

[3] Sections d, e and f, are simply saving and repealing clauses which do not affect the scope and nature of the plan.

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The Provision of School Lunches.—The feeding of school children is a movement that has passed the experimental stage and has become a recognized part of the modern school system. Ten years ago school lunches were served in two elementary schools in Philadelphia. Today they are being served in more than seventy American cities. In Philadelphia alone the 170,000 children in the elementary schools are spending approximately $200,000 for lunches each school year. As only about 6,000 of these children are cared for by the school lunch department, this money goes largely to the street vendor, for dirty, adulterated food. During the past year 10,000 children in the high schools spent $92,000 for school-provided lunches. This money was spent for clean, nutritious and palatable food, prepared and served in a sanitary manner in a clean and attractive room under expert supervision. Miss Alice C. Boughton in a recent paper argues that the whole system of lunch room expenditures should be the common property of the children. They should understand the purposes for which their money goes,—rent, service, food, etc. While the correlation between school room and lunch room has not been close in the past, it is nevertheless evident that the school lunch offers a laboratory for valuable instruction to the children. In order to develop its educational possibilities, however, it is necessary that the director of the department be not only a business manager, an accountant, a skilled housekeeper, and a trained dietitian, but also an intelligent and well-equipped teacher.

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Municipal Theatres in Wisconsin.—At the last session of the Wisconsin legislature, the general municipal charter law was amended so as to give to all the cities of that state the right to conduct municipal theatres, auditoriums, and recreation centers. The particular question was raised because the city of Richland Center had built a new city hall with council chamber, municipal office, etc., and also a large modern municipal theatre. After the building had been nearly completed the city's officials found that they had no right to conduct a municipal theatre, and consequently, would have to lease it to a theatrical company, not use it, or secure the passage of the act as above indicated.

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New Municipal Markets.—Some idea of the growing public demand for municipal markets may be gleaned from the following statement as to the creation of new municipal markets in various parts of the country. In *Hoboken, N. J.* a municipal market has been opened on a ten-acre city lot, and 5000 women responded to the opportunity to buy directly from farmers. The managers of the market are now discussing the feasibility of erecting a long, broad platform from which farmers can sell their wares. In *Los Angeles*, the demand of the people for public markets is exceeding the ability of the council to equip the necessary institutions. The ninth and tenth markets have just been opened, and there are petitions on file for twenty more. A reduction in the vegetable bill from 50 to 75 per cent has been effected through the markets. There is an attendance of from 12,000 to 15,000 people at the markets on Saturdays. In *Newberry, Penna.*, a curbstone market has been opened, and the trade of farmers within reach of the market is being especially encouraged. In *Antigo, Wis.*, a new market square has been opened for the use of the public. After years of agitation, a public market is at last assured for *Tulsa, Okla.*, and the city commission has been authorized to secure a temporary location for the market pending the erection of a building. A municipally owned market is being advocated for *Sandusky, O.*, and the belief in that center seems to be that the experiment if properly made on not too large a scale would be a success. The conclusions of all students of the cost of living problem seem to be that lower food costs are to come primarily through lowering distribution costs. Municipal markets unquestionably offer an avenue not only for simplifying the process of distribution but also for lowering the costs necessary thereto.

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[1] 130 P.R. 1156.

Clyde Lyndon King.

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Municipal Slaughter Houses.—The establishment and operation of municipal slaughter houses is a civic activity by which a more direct and wholesome route can be assured for foodstuffs. By affording the possibility of double inspection—on the hoof by a veterinary surgeon and of the meat by a trained inspector—these slaughter houses furnish every possible safeguard to the purity of the city's meat supply. Through an efficient checking system, responsibility for careless inspection can at once be placed upon a negligent inspector. Opportunity for ample cold storage facilities is also afforded. In Europe slaughtering has been confined to public abattoirs for years. Forty-three of the fifty largest towns in Germany own their own abattoirs, and require all meats sold to be slaughtered therein. The total value of the animals slaughtered in Berlin's abattoir in 1905 amounted to $55,000,000. In the United States, public abattoirs with municipal inspection are maintained at Paris, Tex., Montgomery, Ala., Nashville, Tenn., Dubuque, Iowa, and Los Angeles. Grand Forks, N. D., has recently passed favorably upon a bond issue of $12,000 for the erection of a model municipal slaughter house. The plant will be constructed of brick, with concrete floors. It will be equipped with trolleys through out; will contain a hog-killing room, a beef-killing room, a rendering room, and adequate water and sewer facilities. All meat not slaughtered under government inspection will have to be slaughtered in this plant. This is a line of municipal activity worthy of extension in all our cities.

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Foreign Notes.—*Swansea Enterprise.* The Swansea Corporation has recently opened up the district of Townhill for residential purposes by the construction of three light railways of a total length of three miles. The cost of constructing and equipping the lines is estimated at 34,000 pounds, and that of widenings and improvements at 30,000 pounds. A vital change has been made in the method of electing municipal councillors. The system of proportional representation has been abolished by the provincial council, and the block vote method of election restored. No election will occur until the sitting council shall have been in office for three years.

Aberdeen Report. The annual report on the tramway system for the year ending May 31 last shows a surplus of £12,524, 18s., 7d., the largest profit yet obtained. The town council has decided to make an application to Parliament for additional powers, particularly its consent to borrow 65,000 pounds for further extensions and improvements.

Municipal Tramways. In a recent editorial, the *Municipal Journal* heartily commends the electric tramway systems. It cites the fact that they have been the most important factor in the solution of the housing problem and in relieving the congestion of the towns.

Women in Local Government. With the approach of the annual municipal elections in England and Wales, the women's local government society is urging upon the electors the choice of women for the municipal councils. It is contended that women councillors are particularly well suited for efficient administration. In some instances, women candidates have been chosen and canvassing is being rapidly pushed.

Municipal Telephones. The failure of the municipal telephones movement is being regretted very considerably by the English public; but it is now too late to point out the greater advantage of the municipal system over the national system.

Adelaide Abattoirs. The municipal abattoirs of Adelaide, at which the meat supply for South Australia will be prepared and treated, have recently been formally opened. The new abattoirs represent the very latest ideas in every department. Their control is vested in members of the various local governing bodies. The cost of construction represents £353,000 and the annual revenue is estimated at £76,000.

Trade Unionists and Local Government. The Manchester and Salford trades and labour council recently passed a resolution favoring very heartily the movement for bringing all Manchester Corporation workmen into trade unions. Non-union men will be given a period within which to come into the union. The further employment of non-unionsts in any of the corporation departments will be considered sufficient grounds for a strike.

Tramways. A system of railless trolley cars has just been completed in Lancashire. This is the first attempt made in Lancashire to provide such a service. The system is working very satisfactorily.

Municipal Tramways Association. The question of motor bus vs. tramways and railless tramways is at present being greatly agitated in England. At the recent annual conference of the municipal tramways association, J. B. Hamilton, general manager of the Leeds tramways, presented a paper favoring very clearly the tramway systems. He believes that their lessened costs and greater reliability in operation are sufficient to commend the adoption of the tramway systems, though each case must be judged on its own merits and after the local conditions have been carefully considered.

Excessive Sickness. Action under the "Excessive Sickness" section of the national insurance act has been taken against the Woolwich borough council. No formal claim for payment of excessive expenditures has been made, and since the filing of such a claim is indispensable, the outcome of the situation will be watched with interest.

Poor-Law Reform. The first effective effort to codify the poor-law orders occurred during the régime of John Burns at the local government board. Recently, revision and codification have been extended by the present president of the board.

London's Grievances Against the Exchequer. In a recent paper by the comptroller to the London county council, London's grievances against the exchequer are detailed and summarized. London prays for immediate financial relief, and although certain changes in the relations between Imperial and local taxation are recommended by the royal commission, nothing, however, has been done.

Robert M. Jameson.[1]

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[1] University of Texas.

III. POLITICS

Women Holding Office.—The progressive West has solved for itself the question "Should women hold office?" by the election or appointment of women to offices from that of mayor to member of the police force. There are few official positions in county or municipality that are not filled somewhere by women and apparently to the entire satisfaction of their constituents. It is scarcely practicable to give a complete list of the women office holders of the country, but a few examples are here appended to show that there is no intrinsically insuperable objection to a woman filling a public official position, but these few will prove that the trend of opinion is in favor of the equality of the sexes in this respect at least.

Mayor. To begin with the important office of the mayor of a community: Warrenton, Ore., has a woman mayor, Mrs. Clara C. Munson, elected on the citizens' ticket by a majority of sixteen over her male competitor. Her council is composed of men, who work in complete harmony with their chief officer. Mayor Munson is the first woman to hold office in Oregon. Tyro, Kan., has for mayor Mrs. H. C. Defenbaugh, who was elected April, 1913, and in her council are Mrs. F. E. Herring, Mrs. R. A. Park and Mrs. Kate Newton, constituting the majority of that body. Hunnewell, Kan., has a woman mayor, Mrs. Ella C. Wilson. The story of the obstacles thrown in her way by her council has been spread over the country. Dayton, Wyo., has also a woman for mayor, Mrs. Susan Wissler. Arcadia, Ill., has not only a woman for mayor, Mrs. Kate O. Connor, but has all its other important offices filled by woman.

City Treasurer. There are quite a number of women filling the office of city treasurer. Among them may be mentioned: Mrs. Mary E. Sawyer, city treasurer of Montrose, Col., Charlotte Hebschle, of Leadville, Col.; Miss Elsie Cribbs of Idaho Springs, Colo.; Miss Laura Graham, Fairplay, Colo.; Mrs. Shackelford, Alma, Colo.; Miss Mary Davis, Ridgway, Colo.; Miss Antoinette Hilgenaus, Telluride, Colo.; Miss Lena Pleak, Greeley, Colo ; Miss Laura A. Jost, City Treasurer of Kansas City, Kan.; Miss Esther Bower, deputy treasurer of Kansas City, Kan.; Mrs. Minnie G. Taickey, City Treasurer of Rosedale, Kan.; Miss Jeannette Fredson of Shelton, Wash.; Lillie L. Crawford, of Charleston, Wash.

County Treasurer. Miss Gertrude Jordan for Cherry County, Nebraska, who has been reelected; Mrs. Wilhelm, Sheridan County, Wyo.

City Comptroller. Miss Bessie Townsend, City Comptroller, Atlantic City, N. J. appointed 1912, salary $1500. Only woman in the country holding such a position. Has care of $3,000,000 and sale of all bonds.

Auditor. Mrs. Carrie Truman, Pueblo, Colo., first woman elected to the office in the state; Miss Rose Moriarty, deputy auditor, Elyria, O.; Mrs. Merle A. Cutler, auditor, Kansas City, Kan.

City Clerk. Miss Geneva Graham, city clerk of Whittier, Calif., appointed for unexpired term; Mrs. Mary Ammerman, city clerk, Colorado City, Colo.; Frances Cahill, Las Animas, Colo.; Miss Beulah Ritz, Kansas City, Kan.; Mrs, Jessie Wirick, deputy city clerk, Georgetown, O. A woman town clerk has been re-elected many times in Londonderry, Vermont.

County Clerk. Miss Thyra Therkildsen, clerk of Laramie, Wyo.; Miss Bertha McDonnell, deputy clerk of Jefferson County, New York.

Judicial Officers. A woman is assistant judge in Juvenile Court, Denver, Colo., Mrs. Mary Bartelme. Mrs. Catharine Waugh McCulloch is justice of the peace, Evanston, Ill. Miss Clara Kaiser, deputy probate judge, Ottawa, Kan., reappointed. Miss Nellie Elder, deputy probate judge, Warren, O. Joplin City, Mo. has a woman justice of the peace, appointed by the county court of Jasper County. Mrs. Mary A. Garrett, justice of the peace (for many years), Laramie, Wyo. Daly City, Calif., has a woman magistrate, with judiciary powers, who presides over the police court.

Alderman. Florence Driscoll, Alderman, Durango, Colo.

Sheriff—County. Mary A. Williams, sheriff of Laclede County, Mo., first and only woman in the state. Miss Mollie Spicer, deputy sheriff of Dutchess County, N. Y., appointed.

Women Police. Women police are no longer a novelty. They are usually appointed by the mayor and are now to be found in a number of cities through the country. Los Angeles, Calif., was the premier in this innovation, when Mrs. Alice Stebbins Wells was placed upon the police force. Mrs. Rachel Shatto is also a police officer in Los Angeles. San Francisco has three women police officers Denver, has one, Mrs. Josephine Roach. St. Paul, has two, Mrs. Margaret Kelly and Mrs. William Moore, who look especially after dance halls. In Minneapolis, Miss Emily Glorieux looks after young girls in dance halls. In Topeka, Mrs. Lillian A. King has especial care of wayward girls. The city has two policewomen. Baltimore, has a woman police officer, Mary Steele Harvey, who has received a commission and wears a regular badge. Dallas Texas, has one, Mrs. J. J. Farley, the first in the state. Long Beach, Calif., has a special police officer who is a woman—Miss Fanny Bixby. Sapulpa, Kan., has a "patrol woman" whose special charge is juveniles under sixteen who are on the streets after 8 p.m. Mrs. Mabel Bassett. Newport, R. I., has two police woman, who patrol the beach and give special attention to women in need of aid. Cleveland, O., Miss Margaret Chadsey, chief of Cleveland Sanitary Police, is tenement house inspector. Chicago, Ill., has ten women police officers, who are assigned to dance halls, bathing beaches, small parks and other places of amusement. Tacoma, Wash., Mrs. Winifred S. Covell, is a public morals officer. Chicago, Ill., public guardian—Miss Nellie Carlin.

Matron. Miss Charlotte Dye is matron of girls' home, Delaware, Ohio, only woman occupying a like position in the state.

Board of Health. Mrs. Myron J. Michael of Kingston, N. Y., is a member of the board of health in Kingston.

Medical. Oakland, Calif., city chemist, Miss Jessie V. Berry; Oakland, Calif. Dr. Pauline Nusbaumer, city bachteriologist. Ogden, Utah, Dr. Anna F. Ries is city physician and quarantine officer. New York, Miss Sophia Rabinoff, interne, Beth Israel Hospital, passed No. 1 in competitive examination (thirty men tried). Seattle, Dr. Fredericka Phillips, assistant city physician. Dunning, Ill., Miss Ada Bell McCleery is head of the tuberculosis institution. Chicago, assistant city physician, Dr. Clara P. Seippel.

Civil Service. Cook County, Ill., Miss Anna E. Nicholes, one of the three appointed commissioners. She is also secretary of the commission. Los Angeles, Calif., Mrs. David Chambers, civil service commissioner. Appointed by mayor.

City Factory Inspector. New Orleans, La., has a woman factory inspector appointed by the mayor and the appointment ratified by the city council. Wilmington, Del., factory inspector for the state, Miss Mary Malone, appointed.

City Market Inspector. Mrs. Sarah A. Evans is city market inspector in Portland, Oregon. She has full police power.

Street Inspector. Philadelphia, Pa., Mrs. Edith W. Pierce, street inspector.

Superintendent Public Buildings. Miss Vera Ryan and Miss Ida Anna Ryan have been appointed by the mayor of Waltham, Mass., assessors and superintendents of the public building department. In Spokane, seven women have been appointed to handle household assessments.

Miscellaneous. Denver, Colo., Mrs. Helen L. Grenfel and Miss S. McManus, members of the vice commission. Sussex County, Del., Miss Eliza F. Teas, Commissioner—first in the state. Mrs. Ada F. Howie is a member of the state board of agriculture—appointed. Santa Monica, Calif., advisory council of seven women has been appointed by the mayor. Toledo, O., Mrs. G. A. Bissell, member of library board. Youngstown, O., Dr. Ida Clerk, president of library board, Boston, Mass., member of board of trustees of children's institutions, Miss Margaret Foley. Wichita, Kan., advisory board of five women appointed by mayor for civic and municipal affairs.

Schools. It is where the public school is concerned however, that women are found occupying positions of authority, in ever increasing numbers, in every section of the country. In the states where women and men vote on equal terms, the number far exceeds those in the states in which women are not yet enfranchised, but even in those women are elected or appointed to positions of importance, though the curious anomaly may be observed as in Pennsylvania that a woman is eligible to the position of school director or member of a board of education, yet cannot vote for such an office.

The school offices filled by women vary from state superintendent down to the ordinary advisory director, with no real authority, as in Philadelphia.

The number of these women school officers is too great to give complete lists, but a partial list is here appended that will give some idea of the extent of the movement to enlist the services of women in the management of the schools of the country.

School Officers—State. Colorado, state superintendent of public instruction, Mrs. Mary C. C. Bradford; elected. Washington, state superintendent of public instruction, elected, Mrs. Josephine Curtis Preston (first state officer elected in Washington). Wyoming, superintendent of public instruction—Mrs. Rose Bird Maley, elected; state superintendent of Indian schools—Miss Estelle Reals.

School Officers—County, etc. Illinois, Chicago, Superintendent, city, Mrs. Ella Flagg Young—elected. Alexander County, county superintendent, Fannie P. Hacker. Boone County, Elizabeth B. Harvey; Henderson County, Mrs. Della Yeomans; Johnson County, Emma Rebman; Macon County, Mary W. Moore; Mason County, Fannie S. Merwin; Menard County, Eva B. Batterton; Pulaski County, May S. Hawkins.

Wisconsin, Marietta County, Mrs. Gertrude Schwittay, elected.

Wyoming, Albany County, Mrs. Artisee A. Erickson, elected.

California, Sacramento City, Mrs. Luella B. Johnston, commissioner of education, school, health and sanitary conditions.

City School Boards, elected. Ohio, Warren, Mrs. Harriet Taylor Upton, president of board; Columbus, Mrs. Dora Sandoe Bachman, president of board; Cleveland, Mrs. Arnold M. Green, member of board; Cleveland, Prof. Emma M. Perkins; Warren, Mrs. Carrie P. Harrington, member; Warren, Miss Dora Kale, clerk; Cleveland, Mrs. Sarah Hyre, member; Elyria, Mrs. Emma S. Olds, member; Cincinnati, Miss Edith Campbell, member; Columbus, members, Miss Purcell and Ann Riordan; Loraine, Mrs. Eva Hills; Alliance, Miss Hartzell; Ashtabula, Miss Fannie Earlywine; Mansfield, Lillian McBride.

Illinois, Springfield, members of the school board, Mrs. S. J. Haynes, Mrs. Hugh T. Morrison.

Ohio, Cleveland, superintendent of schools, Miss Harriet L. Keeler. Chicago, Mrs. John McMahon, member of school board.

New York, East Meadow, Hempstead, Mrs. O. H. P. Belmont. New York City, N. Y.: Mrs. Sarah Levine, Mrs. Katherine A. Kerr; Mrs. Arthur L. Cahn; Mrs. Charles P. Pietz; Mrs. W. E. Williamson; Mrs. Mary S. Brewer, Miss Carlotta Russell Lowell, Miss S. Lewinson, Mrs. Jacques Loeb.

Massachusetts, Boston, Miss Fannie Curtis; school physician, Dr. Sarah M. Dadman.

Delaware, Newport, Mrs. Martha Cranston.

New Jersey, Bound Brook, Mrs. Arthur S. Phelps, Miss Caroline B. La Monte; Vineland, two women members of board; Jersey City, truant officer, Miss Caroline Kline.

Vermont, Rutland, has a woman school director.

Kansas, Kansas City, Dr. Jessie Newkirk.

Michigan, Flint, Mrs. John A. C. Menton.

Iowa, Des Moines, Miss Flora Dunlap (first woman in Iowa to be elected on a school board).

Kentucky, Lexington, Miss Anna J. Hamilton.

Connecticut, Hartford, Mrs. Elizabeth D. Bacon.

Wyoming, Laramie, Mrs. Nancy J. Brown, member.

Oregon, Warrenton, Mrs. J. W. Detrick, member; Miss Dula Townsend, clerk, elected. Skipanon District, Warrenton, Mrs. D. G. Malarkey, clerk, elected. Condon, Mrs. M. Fitzmaurice, (first woman elected director in the county). Bandon, Mrs. E. B. Kausrud (first woman elected to school board in Bandon). She was chosen by a large majority over her male opponent.

It is stated that there were 495 women superintendents of schools in 1912. In Missouri alone fifteen county superintendents were women.

Many cities and towns in Pennsylvania have elected women to fill positions on the local boards, such as Philadelphia, Pittsburgh and Swarthmore.. Indeed the tendency is growing more marked in all the states to select women to aid in caring for the public schools.

Legislators. Colorado, Senate, Mrs. Helen Ring Robinson. House, Mrs. Agnes Riddle, Mrs. Frances G. Lee.

Washington, House, Mrs. Frances Axtell, Dr. Nena J. Croake.

Wyoming, House, Mrs. Anna B. Miller, Miss Nellie Truax.

Miscellaneous. Colorado has state and county superintendents of public instruction, city commissioners, alderman, city clerks and treasurers.

Wyoming has mayor, justice of the peace, county treasurer, state superintendent of public instruction, and twenty county superintendents, all women.

Dodge City, Kan., has 8 women on election boards at the 1912 spring election.

Wichita, Kans., half election boards were composed of women.

Portland, Ore., May 1913, women were judges and clerks of election.

JANE CAMPBELL,[1]

Philadelphia.

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New York.—Naturally the mayoralty election in New York attracted great attention throughout the country, not only because of the gravity of the issues involved, but because of the injection of the Sulzer episode. John Purroy Mitchel, the successful candidate although a young man, has had a considerable civic training. He was commissioner of accounts under Mayor McClellan and president of the board of aldermen during the past four years and was thus a member of the board of estimate and apportionment, in which he played a conspicuous part until his appointment as collector of the port by President Wilson. While serving as president of the board of aldermen, Mr. Mitchel worked in closest harmony with the New York bureau of municipal research. George McAneny, now president of the borough of Manhattan, and whom many wanted as the fusion mayoralty candidate, was nominated and elected president of the board of alderman, and William A. Prendergast was reëlected comptroller of New York. Marcus M. Marks was elected on the fusion ticket to be president of the borough of Manhattan. The board of estimate and apportionment is in stronger control of the fusionists than during the preceding four years, and this is the great significance of the recent election. There will be an opportunity to carry forward the plans that have been developed during the first term. A further significant incident of the election lies in the fact that the board is composed so largely of the same men. In other words, the same policies are to be carried out by substantially the same officials. There has been no reaction as in Cincinnati, and partially in Philadelphia.

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[1] Miss Campbell has for years been one of the most active workers in the cause of equal suffrage, having been president of Woman's Suffrage Society of Philadelphia for twenty years, secretary of the American Catholic Historical Society, historian of the Site and Relic Society of Germantown, and chairman of the current events section of the New Century Club of Philadelphia.

The chief trouble with most progressive victories is that the successful candidates are apt to be untrained in public service and inexperienced in political management and in effective appeal to the electorate. Moreover they have protesting, individualistic, incoherent groups of supporters with no means of discipline and with a tendency to place supreme emphasis on their own particular views, and with an intolerant impatience.

These tendencies manifested themselves early in the New York campaign, but the anti-Tammany feeling grew so strong that it crystallized the fusion movement into a really effective campaign body, with the results already indicated. The New York officials-elect are experienced, but whether their supporters are really fused or only federated remains to be seen.

While there seems to be little disposition among thoughtful men to dispute the decision in the Sulzer impeachment trial, there was a general feeling that the charges against him would never have been preferred had the governor been willing to "go along" with Tammany, and it was this feeling which no doubt animated the fusion forces. In other words they felt that it offered a good chance to get rid of an unprofitable servant and visit a stinging defeat upon a selfish political organization at one and the same time. This plan was only partially successful, for the election of William Sulzer to the assembly after a practical confession of the truth of the charges against him, while it can be explained on the ground that it was due to a wave of East Side emotionalism, is nevertheless one of those events that make the judicious grieve and emphasize the need for more persistent and extended education of the electorate.

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Schenectady.—George R. Lunn, the Socialist mayor, was the candidate for reëlection. Although he received 835 more votes than in the contest of two years ago he was defeated because the Republican, Democratic and Progressive party organizations combined on a single opposing candidate. The fusion candidate was elected by a plurality of 1734.

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Philadelphia.—Concerning the Philadelphia election in which the Republican organization carried the city election by a majority of 17,803, *The North American* put the issue in this way:

> The contractor bosses fought . . . . to retain what they had held despite the political upheavals of the last two years—that is four county offices with great power and patronage, and second, control of city council. The logic of the situation made the Blankenburg administration the chief issue. . . . . In every political aspect the anti-machine forces were favorable. . . . . The really notable achievement of the present administration has been to make every department honest so far as that is humanly possible. This result is a reflection of the purity of character of Rudolph Blankenburg. . . . . If ever an administration seemed invulnerable, then it was this, but appearances were fatally deceptive. The contractors evaded the issue of the great good that had been accomplished and concentrated their fire upon certain acts of the mayor. Mr. Blankenburg was elected chiefly because the voters,

> weary of contractor rule, believed that he would destroy the contractors' combine and free the city from the despoilers . . . . they cast their ballots enthusiastically for the "Old Dutch Cleanser" out with his war club against the dirt of graft and misgovernment. When after his election he doffed that vigorous character and appeared in the garments of suave, get-together compromise, the first shiver of disappointment ran through the community. With Mayor Blankenburg on the Keystone ticket were elected enough independent councilmen to hold the balance of power. Within a few months of his inauguration most of them had been alienated. . . .
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> In time the popular mind became convinced that he was impotent to inflict punishment upon the machine or even to protect himself. Parallel with this sense of disappointment grew up a more serious feeling—resentment against his failure to keep an explicit campaign pledge. Philadelphians pay $1 per thousand feet for gas of which the company gets 80 cents and the city 20 cents. . . . . Mr. Blankenburg would not have been elected had he not repeatedly pledged that immediately upon taking office he would move toward canceling the arrangement whereby the city took 20 cents of each dollar paid for gas and would see that the price to the consumer was made 80 cents. . . . . It was thirteen months after his inauguration before the mayor acted. Last January in a message he announced as a New Year's gift that 80-cent gas would be arranged. Almost immediately the tide which had perceptibly set against the administration slackened . . . . The necessary ordinance was duly introduced, but when councils were ready to pass it the mayor sent a request that the measure be returned to him. Quick to use the advantage councils passed the ordinance and the mayor vetoed it.[1]
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> He came down from the Pocono mountains and sent a message to councils suggesting a municipal tax on manufactured goods. . . . . Even more fatal were his suggestions that taxes be laid upon occupations and upon household furniture.

The machine was quick to realize this opportunity and said in terms on the stump:

> Men, Mayor Blankenburg wants to tax your occupations—you, a carpenter; you, a weaver; you, a stone mason; you, a textile worker. Why? Because you are industrious. There is to be no tax on the loafer, only on the worker. And, men, Mayor Blankenburg wants to tax your furniture—here it is in his message —he wants to tax your cook stove, your sewing machine, your wife's rocking chair, the baby's cradle. Is that the kind of an administration you like?

In concluding this survey of the situation *The North American* said:

> But is not such a course very illogical? To be sure it is, but very human. These men voted against the administration because they feared higher taxes, and gave victory to the contractors who were planning to spend $150,000,000 of the people's money. They voted against the administration because it had not destroyed the gang, and by so doing perpetuated the gang.

The North American is quoted because from the beginning it has been a supporter of Mayor Blankenburg's administration.

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Pittsburgh.—The mayoralty campaign was long and bitterly fought. It was the first held under the new non-partisan nomination law (the constitutionality of which is now before the Supreme Court). There were two candidates: Joseph G. Armstrong and Stephen G. Porter, the former supported by Senator Oliver; the latter by former State Senator William Flinn and Mayor Magee. Concerning the campaign the Voters' League (A. Leo Weil, president) in an official pronouncement said:

> The League has no candidate. The League was organized to tell the truth about all candidates and all factions. Honest men, unblinded by partisanship, concede this. Though it has been assailed by those it attacked, no one yet has ever been able to point to a single selfish, self-seeking motive actuating the activities or the utterances of the League It has many enemies. It would be inane, ineffective, useless, if it did not have. In issuing its bulletins its purpose is to supply to the voter information about parties and candidates which

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[1] It ought to be pointed out that the Mayor vetoed the measure because no steps were taken by councils to make up the deficiency thereby created.

is not accessible to a majority of citizens. It has no axes to grind. None of its executive committee is a candidate for any office, elective or appointive.

In the bulletin before the primaries the League called attention to what ought to be the issues of the campaign, and to the issues foreign to good government that had been injected into the campaign. It gave the records of the candidates. The campaign has continued, however, upon these foreign issues, and more attention has been given to the factions behind the candidates, than to the candidates themselves. This makes important the consideration of those factions by the voter.

The League, therefore, now proposes in this foreword to state the character of the influences behind the candidates. If they are bad, the voter must determine: is the candidate strong enough to resist them? If they are good, will the candidate be influenced by them? Depending on the weakness or strength of the candidate, these considerations accordingly become more or less important.

The summing up of these influences was distinctly more hostile to Armstrong than to Porter. The Voters' League pointed out that the utilities company, Senators Penrose and Oliver, and Max Leslie were supporting the former and Mayor Magee and former Senator Flinn ("once the personification of boss rule, now reformed" to quote the League's bulletin) were supporting the latter. Armstrong was elected by a majority of 2400.

*

Norfolk.—The election of November 4 was most encouraging to the independents who were organized under the head of the Citizens Party and the Welfare League. The contest was over the positions of the clerk of the corporation court, the city commissioner of revenue, the city treasurer, the city sergeant or jailor, the city collector, the commonwealth's attorney and two members of the legislature. The incumbents of the five offices first named constituting practically the city ring which has controlled the city government for years past nominated themselves to succeed themselves in office. About 9000 voters qualified, some 2500 or nearly 33 per cent more than had qualified at any previous election since the new constitution. The Citizens Party elected five out of the eight of their candidates and it is expected that the proposed contest of the election will show that all the rest of the ring candidates were defeated.

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Birmingham, Alabama.—George B. Ward, who had satisfactorily served a term as mayor, under the old form of charter, was elected president commissioner on September 15 to succeed Culpepper Exum who was serving by appointment of the governor. The original commission was appointed by the governor so that Mr. Ward (who is a member of the council of the National Municipal League) is the first commissioner to serve by election of the voters. He had a clear majority over both of his competitors.

*

Cincinnati.—The defeat of Mayor Hunt for reëlection has been the occasion of country wide comment for it was generally recognized that he had made an excellent record and that his administration by all reasonable standards was a good one. He was young, vigorous, and deeply interested in constructive municipal policy. Nevertheless in carrying this out he naturally alienated various groups of former supporters at least in sufficient numbers to give his opponent a majority. To illustrate, an aggressive housing policy resulted in innumerable orders against the owners of tenement houses who characteristically made up their minds that the mayor was an enemy of their particular sort of property rights and they preferred the laissez faire policy of the preceding administration. The same was true with regard to the health department's policy. Then again the civil service administration resulted in holding in office the good men from the previous administration and of putting in competent men to fill vacancies, irrespective of politics or religion. As a result the administration had no machine with which to back its up political activities. There were sundry other causes which contributed to the result. No one was sufficient in itself to cause the overturn of the administration, but all together made defeat sure. No one denies, however, that the city is not better off by reason of the Hunt administration and that there will be no complete reversion to the prior order of affairs. Moreover there is a feeling that there will be a return of sentiment in favor of the Hunt administration and especially the policies for which it stands.

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Cleveland.—Mayor Newton D. Baker was elected the first mayor under the new charter after a bitter fight in which national partisan politics unfortunately played their part, but not so large a part as to defeat the mayor. In commenting on the results Mayor Baker said:

> The men elected to council are strong and experienced men, familiar with the city's business. The next two years ought to see the charter in easy operation, large public improvements now under way completed, and perhaps other necessary improvements started.

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Toledo.—Carl H. Keller, Republican candidate, was elected mayor by a majority of 775, receiving 16,741 out of 32,707 votes. Judge Charles E. Chittenden running on the Toledo ticket representing the Brand Whitlock support received 9479 votes and Cornell Schreiber, independent candidate, received 4056. The city council is wholly Republican, including three councilmen at large.

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Canton, Ohio.—Charles A. Stolbert, the Progressive candidate, was elected, beating out the Republican, Democratic and Socialist candidates. The Republicans elected a majority of the other candidates.

Dayton and Springfield elected commissions of five each, which are in turn to elect city managers.

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Socialists obtained complete control of four Ohio cities: Canal Dover, Coshocton, Hamilton and Shelby.

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Los Angeles.—The mayoralty election in June brings to mind the interesting events in connection with that office during the past six years.

Harper was elected mayor of Los Angeles in December, 1906, taking office January 1, 1907, for a three-year term. In the fall of 1908 he and several of his police commissioners began suit against the *Express* alleging libel. The alleged libelous matter was contained in editorials commenting upon an interview given by Thomas Lee Woolwine, then city prosecutor, who alleged that he was unable to prosecute vice successfully because he was hampered by the administration. The responsibility for this condition, he declared, rested with Mayor Harper. From that time on until he vacated the office, the facts in connection with Harper's alliance with vice became public, when such indignation was stirred that the Municipal League called a meeting of citizens, at which it was determined to circulate a petition for Harper's recall. This was done, and the same committee of citizens organized at the instance of the Municipal League chose George Alexander as a candidate in the recall election. The Socialists of Los Angeles also placed in the field another candidate, Fred C. Wheeler, who in June 1913, was elected the only Socialist member of the city council. He was one of the members of the board of freeholders which drafted the late defeated commission plan charter.

Under the old provisions of the Los Angeles city charter, the name of the incumbent whom it is sought to recall, automatically goes upon the ballot unless he shall notify the city clerk within a certain number of days prior to the primary election to take his name off the ballot. The *Express* had made every effort to get a trial of the libel suit brought by Harper against it prior to the election in order that the people might be informed of all the facts, but this Harper and his attorneys had succeeded in preventing. There was much sympathy expressed for Harper by the people who believed that he was being persecuted, and it was the belief of those very intimately connected with the recall movement that had Harper's name appeared on the ballot he would have been reëlected to office, particularly as there were two candidates running against him and a plurality would be sufficient to elect under the charter at that time.

A few days before the expiration of the time in which the incumbent might withdraw his name from the ballot, Harper, learning something of the testimony which had been secured in connection with the libel suit, declared that he would resign his office and at the same time order the city clerk to remove his name from the ballot. This he did almost immediately afterwards, filing both a resignation and a withdrawal. Both became operative immediately. In fact Harper was not recalled at all. The council met and accepted his resignation as mayor and elected as mayor in the interim William D. Stephens, now a representative in congress from the tenth district of Los Angeles. Stephens occupied the office for about five weeks and turned it over to Alexander upon his election in March, 1909.

Wheeler, the Socialist candidate, polled a very large vote against Alexander, the latter winning by only 1500 majority. Nearly all of Harper's friends, all of the old Southern Pacific crowd, all of the liquor and corporation interests, the gamblers, the followers of the red-light district—all in common supported the Socialist candidate.

Alexander was reëlected in 1909 and again in 1911 for two years, but the term was cut short by a charter amendment adopted early in 1913, changing the date of elections from December to June. This change in time for holding elections was incorporated in the defeated charter. This provision, together with many others, was submitted to the voters in the spring of 1913 as an amendment to the old charter, and was adopted.

Incidentally the first Alexander election revealed some of the weaknesses of the recall provision of the city charter as originally drafted. Had Harper's name remained upon the ticket, with Wheeler and Alexander running against him, he could have retained his office with only 34 per cent of the voters favoring his retention and 66 per cent desiring to recall him. To correct this evil the recall provision later was changed so that the voters first vote upon the question, shall the incumbent be recalled, "yes," "no." The incumbent's name does not now go upon the ballot at all. If there are more "yes" votes than "no" votes, the official is recalled, and the vote for the other two candidates for the office then is counted, the highest being declared elected.

CLINTON ROGERS WOODRUFF.[1]

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Prosecution of Election Frauds in Cook County, Illinois. Upon a petition presented to the circuit court of Cook County supported by affidavits, in December, 1912, a recount of the votes cast for state's attorney at the general election on November 5, 1912 was ordered. While the result of this count did not unseat Mr. Hoyne, the Democratic incumbent, they showed that thousands of votes had been counted for him which had in fact been cast for his Socialist and Republican opponents, William Cunnea and Lewis Rinaker. They showed an extensive marking and alteration of ballots in favor of Mr. Hoyne and against Messrs. Cunnea and Rinaker, after the close of the polls on election day.

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[1] These notes have taken the place of Mr. Woodruff's former survey of political events appearing in his annual review. This latter now deals with the broader questions involved. See NATIONAL MUNICIPAL REVIEW, Vol. III, page 1.—C. A. B.

Mr. Hoyne while denying that any considerable fraud had been committed in his behalf insisted at first that he, as state's attorney, should prosecute any frauds, the evidence of which might be presented to him. Those vitally interested in a vigorous prosecution of the crimes and frauds committed in Mr. Hoyne's behalf, insisted that he was disqualified under the law of Illinois from prosecuting such cases, in that the statute provides for a special prosecutor in all cases where the state's attorney's personal interests are involved; and in support of their claims pointed out that he was the beneficiary of the very crimes which he proposed to prosecute, and the perpetration of which he steadfastly denied. Accordingly, late in May, 1913, these parties presented a petition to Judge Cooper of the Criminal Court for the appointment of a special state's attorney and the empaneling of a special grand jury to deal with these alleged crimes. Mr. Hoyne suddenly changed front and while this petition was pending, appeared before another judge of the criminal court, a half hour before the opening of court on the following day, and upon presenting a petition secured the appointment of Mr. Clyde L. Day, as a special prosecutor, agreeable to him, together with an order for the immediate calling of a special grand jury to investigate such frauds and crimes as may have been committed in his election. A half hour later he appeared before Judge Cooper at the opening of court and informed him that he had been "anticipated" in the appointment of a special prosecutor and the calling of a special grand jury. Judge Cooper, however, after an inquiry into this procedure condemned it as an imposition upon the courts, retained jurisdiction, and ordered that a special grand jury be empaneled to deal with the matter. As soon as this jury met, he appointed John E. Northup special prosecutor, in an order giving him far greater powers to investigate frauds and crimes than were given to Mr. Day and directing the grand jury to conduct a most searching investigation of all crimes and frauds committed in the fall election. Mr. Hoyne by *quo warranto* proceedings then attacked without success in the circuit court, the appointment of Mr. Northup.

The circuit court still retained jurisdiction over the ballots and other election evidence and Mr. Day applied thereto for the use of these in his investigations. Mr. Northup also applied to the court for the use of this evidence; and after a careful consideration of the matter the judge of that court decided that Mr. Northup, and not Mr. Day, should be permitted to use the ballots and other evidence, placing his decision largely upon the ground that the public would have little confidence in an investigation conducted by a prosecutor named at the instance of Mr. Hoyne. Mr. Day thereupon resigned as special prosecutor and the special grand jury called on the petition of Mr. Hoyne, was dismissed.

Alexander A. McCormick, president of the county board, and the finance committee of that body at once made an effort to make an appropriation for the use of Mr. Northup in the investigation of the alleged election crimes. This action was, however, bitterly opposed by a minority of the board and by Mr. Hoyne, who went to the extent of declaring that the members of the board would render themselves liable to indictment by appropriating money for the proposed investigation. Efforts were repeatedly made by Mr. McCormick and a majority of the board to pass the appropriation, but the minority proved strong enough to defeat each effort.

Notwithstanding this adverse action of the board, Mr. Northup began a vigorous investigation of the alleged frauds and crimes early in July and a number of men were soon indicted for altering ballots and falsifying returns.

The fact that no funds were forthcoming from any source in support of the investigation began, however, about this time to threaten an end of the inquiry. Mr. Northup had difficulty in retaining the services of investigators and attorneys. Reports were persistently circulated in the localities under investigation that the whole movement would soon end for want of funds and that the men under indictment would escape prosecution. These reports greatly handicapped the investigation and Mr. Northup appealed directly to the county board, stating that the action of the minority of that body in repeatedly defeating an appropriation constituted the most effective protection to the men who had committed crimes at the election, and declaring that their continued refusal to appropriate would compel him to appeal directly to their constituents for funds with which to complete the investigation.

This had no effect upon the minority but Mr. McCormick and the majority of the board who favored an appropriation, at once started a subscription and made an appeal to the public for financial support, expressing their condemnation of the election crimes and pointing to the fact that the minority by their action had approved of such crimes. This appeal met with an immediate and substantial response and many thousands of dollars were contributed by the public in support of the investigation. With the funds thus subscribed came a deluge of letters condemning the action of the minority of the board and the conduct of the men who sought to smother the investigation.

With this effective support the grand jury investigation proceeded and is now nearly complete. It has resulted in the indictment of about eighty men for marking and altering ballots after the close of the polls on election day and for falsifying the returns. Among these are many judges and clerks of election a number of precinct committeemen and several politicians of prominence, including the deputy commissioner of public works of the city of Chicago, an attorney on the staff of the drainage board and an assistant state's attorney in the office of Mr. Hoyne.

The investigation has disclosed the fact that in a large proportion of the voting precincts of the city the election officials failed to enforce the safeguards against fraud and crime, provided by the election laws, in consequence of which it became easy for petty politicians and precinct workers to commit the grossest frauds and crimes with little fear of detection. In fact under cover of these irregularities and the indisposition of election officials and attendants to disclose facts against their friends, a great number of indictments have been prevented where the evidence of serious crimes is clear and positive.

The ballot at the general election contained over fifty candidates on each ticket for six parties, and it was found that in many single precincts alterations of votes running into the hundreds were made. In fact in several precincts in each of a dozen wards alterations in the ballots of from ten to more than one hundred votes were made in favor of candidates for leading county and city offices. In many precincts a combination existed betweed those guilty of this practice to favor the candidates of different parties. However the alterations in favor of Mr. Hoyne were more general and numerous than those for any other candidate. This was obviously due to the fact that Mr. Cunnea, the Socialist candidate developed unexpected strength at the election, and soon after the polls closed seemed likely to win out. This fact required greater effort on behalf of Mr. Hoyne than for the other candidates and the means of counting in or out certain candidates by criminal methods being at hand, it was used in his behalf to the extreme, and by a widely concerted effort.

In the trial of men under indictment, soon to be undertaken, it is expected that the validity of certain parts of the election law will be vigorously attacked, and that every technicality possible will be resorted to in excluding the evidence offered by the prosecution. On the other hand it is believed by Mr. Northup and his associates that the law is not open to successful attacks and that their evidence will result in convictions and a consequent disclosure of the guilt of many men not yet under indictment.

Those interested in the prosecution point to the fact that election crimes in Chicago and Cook County have been notorious for many years; that the system of crimes which prevailed at the last general election had been perfected in many preceding elections until the participators therein had become emboldened to such a degree that they had little fear of the law; and that the prosecution of the cases now pending should mark the end of the system.

Andrew H. Yount.

Chicago.

IV. MISCELLANEOUS

Legislative Investigations.—The following investigations of subjects of municipal and related interest have been authorized by the states during the last year. The investigations in most cases are now under way and reports will be made before the next meetings of the legislatures:—

The commission, appointed in 1911, has been continued in *Pennsylvania* to investigate the *building laws.* Reports to be made in November 1914.

A committee was appointed in *Illinois* to continue the investigation and inquiry into the methods of all *charitable institutions* licensed by the state to handle and dispose of children under juvenile law, to investigate their accounts and to see that they are not engaged for profit under the name of charity. Report to be made to next legislature.

An act in *New Hampshire* provides for the appointment of a commission to investigate matters relating to the welfare of the *dependent, defective and delinquent children* of the state.

A joint committee in *Pennsylvania* to investigate the workings of the *civil service laws* of the cities of the first class.

An *Ohio* commission, to investigate an equitable method of *weighing coal* at the mines, is required to report to the Governor by December 1, 1913.

Nebraska has a permanent public welfare and conservation commission consisting of the governor, chancellor, secretary of board of agriculture, director of conservation survey and director of legislative reference bureau, to have general advisory authority over all surveys paid out of public funds and authority to prepare and publish material relative to Nebraska.

The *Massachusetts* legislature has passed a resolution calling for an international commission on the *cost of living.*

The Pennsylvania legislature has authorized the governor to appoint a *state dependents* commission to cover the care, education and support of those who are by accident, misfortune, sickness or disease dependent upon the generosity of the citizens of Pennsylvania. Report is to be made in September, 1914.

A special commission is investigating *drunkenness in Massachusetts.* Hearings begin in Boston, October 6.

A commission to investigate the *educational system* and conditions in *Vermont* was authorized by the last legislature. Chairman John H. Watson.

A committee in *New York* is authorized to investigate the conditions under which manufacture is carried on in cities of the first and second class, and to inquire into the *wages* in all industries and conditions under which labor is carried on.

A special legislative committee was authorized in *North Carolina* to investigate the business of *fire insurance,* especially the premium rates charged. To report to legislature, 1915.

An *Ohio* legislative committee assisted by the insurance department and the attorney-general has made an investigation of *fire rates* and the methods of rating bureaus. Their report was to be presented on September 1, 1913.

The *insurance* commission of Illinois has been continued to investigate the question of the classification of physical conditions of property as a basis of *fire insurance rates* and to arrange a *codification* of the insurance laws of Illinois.

The *Ohio* legislature of 1913 provided for an *Ohio flood relief commission* to assist citizens to recover from losses incurred during the flood of 1913, but it has recently disbanded and turned the remaining work over to the Red Cross Society.

A commission has been appointed in *Pennsylvania* to report to the next legislature, all matters pertaining to *cold storage* and the preservation of food products etc.

The *Massachusetts* commission on conditions of *immigrants* is now holding hearings in various cities. Their report will be made in January. Bernard J. Rothwell is chairman.

An investigation is being made in *New Jersey* of the condition, welfare, distribution and industrial opportunities of *immigrants*. Report to be made in 1914.

The state board of *insanity in Massachusetts* is investigating the establishment of social service work for prevention and subsequent care in state hospitals. Report to be made in 1914.

The committee in *Pennsylvania* to investigate the *recording* of deeds, mortgages, *the transfer of lands*, the insurance of titles etc. which was appointed in 1911 has been continued.

Nebraska has a legislative committee to report *program of reforms* in legislation and administration for the next legislature acting in connection with the legislative reference bureau.

The commissioners of agriculture, in coöperation with the farmers' union and fruit growers association of *Maine* are investigating the subject of *marketing* and of purchasing farm supplies. Report to be made in 1915.

The state board of health of *Massachusetts* will report in 1914, what further impediments to *marriage* should be recognized.

A *minimum wage* commission has been provided for in *Michigan*. The minimum wage commission of *Minnesota* is investigating the wages and living conditions of women and girls. Miss Ella Evans, secretary.

A commission is inquiring into the subject of *pensions* or other relief *for widowed* mothers in *New York*. Report to be made in 1914.

Dr. Emery E. Hayhurst of Chicago is in charge of an investigation which is being conducted by the *Ohio* state board of health on the subject of *occupational diseases* under a law of 1913. Their report is to be made in 1915.

The industrial commission of *Wisconsin* is making a special investigation of *old age pensions*.

There is a *Rhode Island* commission to revise, codify and amend the *settlement laws* of the state. To report not later than the January session, 1916. Chairman, Edmund Walker, South Kingstown.

A commission was appointed in *Massachusetts* to devise a compulsory system of state and municipal *pensions*. Report to be made to the 1914 legislature.

White slave traffic in Massachusetts is being investigated as to the causes and remedies. Report is to be made in 1914.

A conference board of two persons from each state in *New England* was provided for by the several legislatures to consider the problem of railway development in the interests of the public. Report to be submitted in 1915.

A commission is investigating the subject of *recreation* in *California*, including recreation in rural communities as well as small towns and cities. Report to be made in November, 1914.

A commission in *Minnesota* is investigating a plan of organization and administration of the *public school systems*.

Also to report on *vocational training.* Report to be made in December, 1914.

Nebraska has a commission of seven to act in coöperation with reference bureau in revising *school code* of the state.

A survey of the public, normal and agricultural *schools of Ohio* will be made between now and the special session of the Assembly next January. H. L. Brittain of the New York Bureau of municipal research is in charge of the investigation.

An act in *New York* provides that the commission on *efficiency and economy* shall investigate and gather statistics and make report to the legislature upon the subject of the cost of providing free text books in all the schools within the state, supported by the state and its subdivisions.

Railway commission and Boston transit commission will investigate the *street railway service in Boston.* Report to be made in 1914.

Commission appointed to revise and modify *New York tax laws.* A committee is appointed to coöperate with the *tax* commission to investigate taxation and exemption in *Oregon.* Report to be made in 1915.

The house of representatives of *Massachusetts* authorized an investigating committee to investigate the present means and methods employed in checking the spread of *tuberculosis.* Mr. Biglow of Framingham is chairman. Report to be made in 1914.

A committee was appointed in *Illinois* to investigate the subject of *unemployment* together with the causes and effect of idleness. Commission shall report to the general assembly at next session.

The state board of charities of *Massachusetts* has appointed a committee to investigate the establishing of an *industrial home* for vagrants. Report to be made in 1914.

A special commission was appointed last Spring in *Massachusetts* to investigate the subject of *vice.* Dr. Walter E. Fernald of Waverly is chairman.

A special investigating committee in *Wisconsin* is at work on the question of vice, with special reference to the *social evil.*

The chairmen of the board of harbor commissioners, of the board of gas and electric light commissioners and the attorney general of *Massachusetts* form a commission to investigate what legislation is expedient to promote the equalization of the *flow of water* in rivers and streams. Report to be made in 1914.

A commission has been appointed in *Indiana* to investigate the hours and conditions of *labor of women.* Report to be made in 1915.

The house of representatives of *Massachusetts* authorized a committee to investigate the conditions under which *women and children labor* in the various industries and occupations. Mr. Tufts of Waltham is chairman.

John A. Lapp.

* * *

Census of Cities.—Soon after the present administration came into office a new director of the census was nominated and in midsummer, after weeks of delay, the nomination was confirmed. The outgoing administration of the bureau had laid stress upon the improvement of census plans and statistical technique. It had fallen short mainly on the administrative side. Congress, or at least the house of representatives, had become indifferent or hostile and as a result had withheld the appropriations needed for completing the thirteenth census. The results which the law declared should be published not later than the summer of 1912 had not fully appeared a year later, when the change of head was made.

Under these circumstances, an administrator and politician, who had no claim to rank as a statistician, was nominated as director. This step aroused some criticism, but was defended by the need for reorganizing the office and regaining the support of congress. After he had become somewhat familiar with the problems before him, the new director appointed a committee of five statisticians and requested them to advise him about various technical questions with which the office was faced. This commission included two former directors of the census, S. N. D. North and W. R. Merriam, and three others who had held less important positions in the census office, Messrs. D. C. Roper, W. S. Rossiter and W. F. Willcox.

The committee assembled and organized September 15 and met in daily session during the following week, at the end of which it formulated a series of recommendations designed to bring the arrears of office work up to date by the end of the calendar year 1913. The detailed recommendations included abandoning a large part of the tabulation on occupations for which neither the time nor the money was available, limiting the special report upon the language spoken by the foreign-born, and curtailing and thus expediting the annual reports, which had been crowded to one side by the emergency work of the 13th census.

With reference to municipal statistics they specifically recommended as follows:

> That the annual report of the financial statistics of cities for 1912 be completed and published by January 1, 1914, by curtailing the amount of detail to be included; that the schedules and report for 1913 be similarly curtailed; that the reports for the years 1912 and 1913 be printed without text, except such as is necessary for explanation and definition, and that until the annual reports on the financial statistics of cities are brought up to date, no attempt be made to prepare a report on general municipal statistics. This recommendation is based on the fact that delay in the compilation and publication of the annual municipal reports detracts seriously from their value.

While the committee was holding this session, its attention and that of the census office were called to a recent federal statute which prohibited the appointment of any commission without direct authorization by congress. While the action taken by the new director in appointing them as special agents was not a direct violation of this law, yet some of the commission felt that to continue their work under the circumstances might expose them and the office to criticism. The original task before the committee was clearly divisible into two branches: (1) recommendations affecting the existing situation in the Census Bureau, and (2) recommendations affecting its future work until the fourteenth census should begin. As their first session had completed the recommendations on the first topic and thus solved, so far as they could solve it, the immediate problem, the commission is considering whether its work should be carried to completion or discontinued at the stage now reached.

Walter F. Willcox.
Cornell University.

⁂

New York Constitutional Amendments.—The New York City Club has been waging a vigorous campaign for some years to secure an amendment to the state constitution providing for excess condemnation. An amendment to that effect was submitted a year ago and defeated, but this year another and more effective amendment was submitted on November 4 and has been adopted by a majority of about 100,000. The Club has published a pamphlet on the subject. Other amendments to the state constitution were adopted at the same time, one providing for workmen's compensation to overcome the decision of the court of appeals in the Ives case. Another amendment relating to water power was passed. Amendment number 3 creating two additional justices in Kings County and making possible provision for additional justices in other counties passed by a small vote.

⁂

The Chicago Women's Club has been prominent for sometime for its active interest in the improvement of municipal conditions in Chicago, and a review of a few phases of its work during the past year shows it especially notable for setting an example of definiteness in its efforts that reflects great credit upon the organization. In the city wide effort for greater cleanliness, the club was an important factor in securing the active coöperation of not only the city departments but also the citizens and the school children. It pushed the extension of summer recreation and bathing facilities in the city, and carried through an ordinance designed to protect the milk supply of the community. It successfully came to the assistance of the Sanitary Board when the Board of Health was threatened by a crippling and inadeqate appropriation. It was instrumental in carrying through both houses of the state legislature a bill for the registration of births, and it is, at the present time, running down the causes that led to the death of an inexplicably large number (31) of children through scalding during the past year with a view of taking preventive steps.

*

Boston's Mothers' Day and Picnic.—The first mothers' day and municipal picnic held in Boston not long ago under the direction of Mayor Fitzgerald promises to become a permanent feature of the city's life and at the same time furnishes a good example of what municipalities can do in the interest of general recreation. Between fifteen and twenty thousand mothers and children were treated to an outing and entertainment at the beautiful two hundred and forty acre suburban reservation, Franklin Park. While millions of children throughout urban America are provided with day outings to the seashore and country few mothers find opportunity for such excursions.

*

Boston City Club to have New Home.—The members of the Boston City Club are to be congratulated upon the prospect of an early completion of their new club house which is to be located at Somerset Street and Ashburton Place. On October 29, Ex-President Taft, in the presence of Governor Foss, Mayor Fitzgerald, as well as other notable members and hundreds of citizens, laid the corner stone. The club membership now includes nearly 4500 men of the best representatives of every class of citizens in Boston and constitutes one of the greatest forces that have helped to make the metropolis of New England one of the first cities of the land in civic spirit.[1]

*

Buffalo Educational Union.—Coöperation among the educational societies of Buffalo is promised by the formation of an educational union in that city. The membership of the Union at present includes five institutions, their trustees and executive officers. An executive committee has been been assigned the duty of recommending to the different educational societies of the city means of coöperation and elimination of effort. As its first step, it is preparing a comprehensive directory of the various educational societies in Buffalo.

*

League of Kansas Municipalities.—Any city in Kansas may appropriate out of the general fund annual dues to the League of Kansas Municipalities not to exceed $5 per thousand inhabitants and to pay actual expenses of not more than two delegates to annual meetings.[2] This law was asked for by the league to encourage its work and increase interest.

*

Right to Exhibit Given.—Under a law of 1913, any city in *New Jersey* may hold exhibits of its various departments annually under the direction of a commission composed of representatives of each board or department. An annual tax for the purpose is authorized.

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[1] See reference in dinner address of Addison L. Winship, secretary, *infra*.

[2] Chap. 83, L 1913.

Restriction in Hours of Labor. Under a law of 1913 employees of cities of over 100,000 population in Illinois must not be compelled to be on duty more than ten consecutive hours in the day time nor more than fourteen consecutive hours at night, except in case of great emergency.

✤

Miss Alice S. Tyler, for thirteen years secretary of the Iowa library commission and director of library extension in Iowa, has been appointed a director of the library school of the Western Reserve University.[1]

✤

Charles M. Loring, known throughout the northwest as the Father of the Minneapolis park system, was the guest of honor at a public dinner on his eightieth birthday. For years, Mr. Loring has been actively interested in all forward movements. He has been a member of the National Municipal League for many years and was at one time president of the American Park and Outdoor Art Association.

✤

Mrs. Charles Farwell Edson, a member of the council of the National Municipal League, is the subject of a strong article by Peter Clark Macfarlane in *Collier's* for November. He spoke in more or less detail of the work which Mrs. Edson had done for progressive measures in California.

✤

C. G. Morrison has been made executive secretary of the Seattle Municipal League.

✤

Walter Burley Griffin, the Chicago architect who was awarded the first prize for preparing the best design for Camberra, the new capital of the Commonwealth of Australia,[2] has recently been chosen to supervise the carrying out of the plan as modified by the Australian authorities.

✤

Harvey N. Shepard of Boston is giving a course of lectures upon municipal government in the Boston University School of Law.

✤

Dr. Herman G. James of the department of government of the University of Texas and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, has been elected secretary of the newly organized League of Texas Cities.

✤

John Nolen of Cambridge, the well known landscape architect and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, was made doctor of science at the installation of President Powell of Hobart College.

✤

Henry S. Gilbertson, the executive secretary of the National Short Ballot Organization and a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW, is preparing a volume on "Expert City Administration" for the National Municipal League Series published by D. Appleton and Company.

✤

Hon. Charles R. Miller, governor of Delaware, has joined the League.

✤

Hon. Louis Will, for years a member of the National Municipal League, was elected mayor of Syracuse, New York, on November 4 on the Progressive ticket.

✤

Dr. Carol Aronovici.—Realizing the close relationship that exists between the problems of providing adequate and attractive homes for the people and the bearing that town planning has upon all architectural work, the *Journal of the American Institute of Architects* has established a department of housing and town planning which is to begin with the January issue. Dr. Carol Aronovici, secretary of the Suburban Planning Association of Philadelphia, has been placed in charge of this department.

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[1] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 255.
[2] See NATIONAL MUNICIPAL REVIEW, vol. i, p. 718.

❖

Robert M. Jameson has been appointed a member of the school of government in the University of Texas in the capacity of secretary of the bureau of municipal research and reference maintained by that department under the directorship of Prof. Herman G. James. Mr. Jameson is a graduate student in the university and is taking his master's degree this year in municipal government.

❖

Civic Secretaries Committee of the National Municipal League. The civic secretaries committee met at Toronto November 12. The meeting was called at noon at Hotel King Edward. In the absence of the chairman, Elliot H. Goodwin of Washington, D. C., who is convalescing from a recent operation, the meeting was called to order by the treasurer, Addison L. Winship, of Boston.

Secretary John Ihlder, of New York, read the minutes of the last meeting and outlined the purposes of the meeting. after which the reports of the treasurer and executive committee were heard.

The committee then proceeded to the election of officers. A letter was read from Chairman Goodwin expressing the opinion that there was much of benefit to be accomplished by the committee, and declining reëlection on account of his duties in Washington. The following officers were then elected: chairman, Addison L. Winship, of Boston; secretary, Winston Paul, of Jersey City, N. J.; treasurer, Miss H. Marie Dermitt of Pittsburgh, Pa. After discussion it was voted that the executive committee consist of five members instead of three as formerly, this committee to comprise the officers and two additional to be appointed by the Chairman. The chairman appointed John Ihlder of New York and Stiles P. Jones of Minneapolis.

The important matter of membership dues was discussed, and it was decided that $2 be fixed as the annual dues.

The topics arranged for discussion at this meeting in Toronto were of such interest that it was found impossible to consider them properly in the time allotted by the program. However at two sessions of the Committee, the following topics were taken up, the secretaries from several states participating in the discussion:

1. When it is necessary to take up a new piece of work not closely related to work already under way, should there be a new organization formed for the purpose, or should an existing organization extend its scope by the addition of a new committee, or in other ways?

2. Methods of financing civic and social organizations.

3. What is the value to a town of a city club or other citizens' organization which undertakes no propagandist work, but furnishes simply a meeting place and an open forum?

4. What is the difference in function between a citizens' organization and a department of the government?

At the second informal meeting, which was more largely attended than the first, expression was made by every member present that the scope of the committee should be broadened so as to include the secretaries (under salary) of all organizations whether affiliated with the National Municipal League or not, but engaged in civic work.

It has been found by the experience of the last three yeas that the interchange of ideas and publications has been of mutual benefit. Methods of financing, arousing of interest and holding it, in the work of local bodies differs in the various cities, and the secretaries of these various organizations upon comparing notes, discover new plans that have been put into practical operation in their own cities.

It is the purpose of the civic secretaries to secure reports from every city of prominence, not only for the purpose of increasing the effectiveness of this particular organization, but also to act as a feeder for the parent body, the National Municipal League. To this end the members of the committee are asked to communicate immediately with the secretary, giving such information as they possess or may acquire, regarding organizations in their immediate vicinity.

It is also the purpose of the executive committee to issue during the year several bulletins containing information or suggestions that may be of value to members. All of this preliminary work is a part of a plan to prepare for at least three meetings during the convention of the League in 1914, where papers will be presented bearing upon the personal duties and experiences of secretaries.[1]

ADDISON L. WINSHIP.[2]

American Society of Municipal Improvements.—The principal feature of the Wilmington convention held October 6 to 9 was the consumation of the amalgamation of the Association for Standardizing Paving Specifications with the older organization. This action resulted in a full discussion of the question involved and in the formulation of important conclusions. The first report of the committee on standard forms for receiving bids and recording costs for municipal improvement was made. A. Prescott Folwell having resigned as secretary, Charles Carroll Brown of Indianapolis was elected his successor.

*

City and Town Planning Conference.—The first conference of a state-wide character in Massachusetts was held in the State House, November 18 and 19 at the call of the governor and at the suggestion of the homestead commission. It is interesting to note that public health, housing and transportation received a large share of attention at the hands of competent speakers. Another session was devoted to the development of public opinion.

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[1] The following from the call issued for the Toronto meeting of the committee is the programme which was followed in the discussions:

1. When it is necessary to take up a new piece of work not closely related to work already underway, should there be a new organization formed for the purpose, or should an existing organization extend its scope by the addition of a new committee, or in other ways?

The committee on police in New York City is an instance of a new committee formed to take up a new job. This probably was a more effective way of handling the problem than by turning the work over to an existing organization. But there is constant assertion that there are too many organizations already, that there are neither men to run nor money to finance them all. Yet it sometimes seems impossible to continue to saddle new jobs on old organizations because; first, most live organizations are already well loaded and so not in a position to take up the new job if it is a big one and requires years of steady, hard work. Moreover, a new job often means division and weakening of interest and strength. A propagandist organization is usually strong in proportion as it confines its attention strictly to a few questions on which its members are thoroughly united; second, the old organization, if it amounts to anything, has accumulated enmities which are transferred to its new job and form a needless handicap to that job; third, it is against public policy in a democracy to have one bunch of people doing everything, let alone the fact that such an attempt on the part of one group is very likely to raise such a popular prejudice against them as will defeat them.

Granting all this, how are we to organize the citizens of a community so as to secure the greatest effectiveness and the greatest elasticity?

2. Methods of financing civic and social organizations.

This is a question of perennial interest because it has never been satisfactorily answered. New answers are constantly offered, however and some of them are worth hearing.

3. What is the value to a town of a city club or other citizen's organization which undertakes no propagandist work but furnishes simply a meeting place and an open forum?

There are "practical" citizens in every town who have no time to talk, they must be up and doing. How much time and effort do they waste in recovering from false starts and beginning again? What value has the "open forum" besides its practical value?

4. What is the difference in function between a citizens' organization and department of the government?

The answer to No. 4 may be easy for the civic secretaries but it is not easy for many of the members of their organizations. For this reason it would be well to have it clearly stated.

[2] Secretary, Boston City Club.

The real estate men had their national meeting in Quebec and gave attention to city planning, several speakers showing that it was a source of municipal economy not only in the first development but in the cost of operation.

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A National Fire Prevention Convention was held in Philadelphia the week beginning October 13, under the auspices of the Philadelphia department of public safety, which was perhaps the most significant feature of the meeting. It was the sense of the convention that all building construction and reconstruction should be under direct governmental control, state or local, to the end that the greatest safety for the greatest number for the present and future should be assured, and that the classification of building construction should be entirely one of relative ability to resist attack by fire, and therefore in all building codes the term of fire proof should be replaced by fire resistive and that ordinary frame construction should be classified as combustible.

*

State Municipal Leagues.—The Pacific Coast leagues of municipalities have developed a large measure of activity. The California association is of course the pioneer and its meeting at Venice early in October was up to the usual high standard. Not only were the numbers in attendance large, but the discussions were vigorous and to the point and were naturally in a way to be of the maximum effectiveness. In addition there was a municipal exhibit that proved most helpful. Steps were taken to hold an international municipal congress in connection with the Panama-Pacific Exposition in 1915.

The League of Washington Municipalities met at Spokane November 19 to 22 and discussed a long series of important questions.

The League of Pacific Northwest Municipalities covering Idaho, Washington and Oregon, and working in coöperation with the League of California Municipalities held its annual meeting in Portland on October 1 and 2.

An Oregon Civic League along the lines of the Ohio Civic League has been formed.

League of Kansas Municipalities.—The success of municipal ownership, the benefits of simplified and responsible city government and the need of a constitutional amendment granting the cities and towns of the state home rule in local affairs were the subjects which featured most prominently at the fifth annual meeting at Kansas City, Kansas, October 8 to 10. The meeting was attended by 90 municipal officials from 45 of the 78 membership cities of the League. On the roll call of municipalities, a feature of the convention, city after city told of its municipal improvements and problems during the past year, and spoke of the results attending under the form of government it was operating, relating the benefits gained by it through municipal ownership. Kansas City intimated that it was considering the municipalization of its street railways and Ottawa told of its consideration of a municipal telephone system. The League went on record for a campaign for the submission and adoption of a constitutional amendment granting home rule to cities in municipal affairs. Next year's convention will be held at Lawrence, the seat of the state university. Charles Homer Talbot of the municipal reference library of the university, is secretary of the League. Dr. Herman A. Brauer of the University of Washington and at the head of the bureau of municipal research in that institution, serves in a similar capacity for the League of Washington Municipalities.

The League of Minnesota Municipalities was formally organized in St. Paul on October 17. The report of the resolutions committee favored a law that would leave the cities the right to grant charters to and to control public utility corporations. This was unanimously adopted. Prof. Richard R. Price of the University of Minnesota was made secretary of the organization, thus further illustrating the tendency to affiliate the universities with municipal administration.

The League of Michigan Municipalities which has had some hard times of late held a successful meeting at Jackson and now seems to be on the road to greater efficiency. Alderman George H. Curtis of Jackson is the secretary.

The Iowa League of Municipalities, one of the oldest and strongest of the state leagues, went on record as favoring home rule for cities. Frank G. Pierce of Marshalltown is the secretary.

In the south the movement for the organization of city officials has not made very great progress, although there are exceptions in the case of Virginia, which has had a league of municipalities for a number of years. A special meeting of this organization will be held in January to consider the Taliaferro bill concerning the government of municipalities. A movement is on foot to organize a mayors' association in Florida.

A League of Texas Municipalities has been formally organized. In response to an invitation issued by Mayor A. P. Wooldridge of Austin, at the suggestion of Prof. Herman G. James of the bureau of municipal research and reference of the University of Texas, some thirty officials of Texas cities organized November 4 the League of Texas Municipalities. Mayor Wooldridge of Austin was elected president and Dr. James *ex officio* secretary-treasurer of the League. A constitution and by-laws were adopted and Houston was selected as the next place of meeting by the League. The delegates were cordially entertained by the city of Austin, being addresed by Governor Colquitt at a luncheon prepared in their honor, and in the afternoon the officials and other representatives were driven over the city in automobiles.

Certain points of particular interest may be noted in connection with the convention. The morning program stressed very emphatically the need of experts in city administration. The afternoon session brought out a very general opinion that the new home rule amendment to the Texas constitution, however laudable the original idea back of it may have been, had been so emasculated by provisos and limitations that it is of little real value, if indeed not a positive detriment to cities.

The evening session, devoted to a discussion of the Houston plan of taxation by J. J. Pastoriza, brought out the novel position that a city official justifies an open and express violation of the constitution on the ground that it is actually violated in other places in practice. In other words, Mr. Pastoriza, who is finance commissioner of Houston, frankly disregards the constitutional provision of equal and uniform taxation on all property by expressly exempting everything but realty from taxation. In justification of his position, he contends that other cities do not and cannot tax intangible and personal property, because of perjury and deception by the tax payers, and hence the constitutional provision aforesaid is a dead letter by which he refuses to be bound.

The League of Third Class Cities in Pennsylvania held a special meeting in October to consider the problems growing out of the recently passed commission government law, which went into effect on December 1.

DEPARTMENT OF REPORTS AND REVIEWS

CRITICAL AND INTERPRETATIVE

PROFESSOR JOHN ARCHIBALD FAIRLIE, *University of Illinois*
Associate Editor in Charge

ASSISTED BY

CHARLES D. MAHAFFIE, *Portland, Oregon*

Municipal Statistics.—*General Statistics of Cities:* 1909. Special Reports U. S. Bureau of the Census. Washington, Government Printing Office, 1913.

Annuario Statistico delle Città *Italiane.* 1911-12. Prof. Ugo Giusti, Capo dell officio di statistica del commune di Firenzi. Florence, Alfani e Venturi, 1912.

Statistisches Jahrbuch der Stadt Wien: 1911. Wien, 1913.

Statistisches Jahrbuch der Stadt Berlin: 1908-11. Prof. Dr. H. Silbergelt. Berlin, P. Stankiewicz, 1913.

Jahrbuch für Bremische Statistik, 1912. Bremischer Statistischer Amt. Bremen Franz Leuwer, 1912.

London Statistics: 1911-12. London County Council, Westminster, P. S. King and Son. 1912.

This list of recent reports on municipal statistics illustrates two distinct classes of reports. The federal census report and the statistical annual of Italian cities and compilations include data from a large number of cities in the two countries, while in neither case have the compilers any adequate control over the municipal authorities included in the reports. The other reports are the official publications of the statistical bureaus of a number of individual cities—London, Berlin, Vienna, and Bremen.

In the American census report will be found general and physical statistics relating to some municipal services, and supplementing the financial statistics of cities, published each year. The present report includes statistics on sewers, waste collection and disposal and highways. Previous reports have presented data on other municipal services; and the policy of the bureau in dealing with general and physical statistics now is not to attempt a regular series of comprehensive reports, but to issue from time to time reports on closely related groups of services, separate from the regular series of financial statistics.

After an introduction discussing the purposes of the report, the classification of expenditures and the interrelations of the services covered, the main results are presented in six parts, dealing with sewers and the sewer service, refuse disposal service, street cleaning service, dust prevention service, highways and general highway service, and statistics of salaries and wages; and statistics on these points are presented for 158 cities. Among the special topics may be noted, methods of financing sewer construction, reduction and incineration plants for refuse disposal, and the average life and cost of various classes of street pavement.

The statistical annual for Italian cities is published through the activities of the statistical union of Italian cities, under the direction of Prof. Ugo Giusti, director of the statistical bureau of the city of Florence. The first number was issued in 1906; and the present volume is the fourth in the series. This annual deals largely with finance statistics, which are presented in two groups of tables—one group giving a summary statement of revenues and expenses for all cities, while the other group furnishes data in more detail for the larger cities. A third division deals with municipal enterprises such as water, gas and electric works and municipal bakeries. A fourth division presents the results of the general census of 1911; while a bibliography of municipal publications is also added.

An interval of more than four years has elapsed between the thirty-first and thirty-second volume of the statistical year book of Berlin; and the present issue includes statistics from 1908 to 1911, with data on some topics for 1912. The inclusion of statistics for several years explains the increased size of this issue, which contains more than a thousand pages. The contents follow the main outlines of former numbers, grouping the data under twelve main divisions, and including statistics not only on all branches of municipal administration, but also local statistics of a more general character.

The general population statistics at the census are given in considerable detail, including statistics of suburban districts and also a table showing the population on each of the one hundred streets with the largest number of inhabitants. From 1905 to 1910 the population of Berlin proper increased by only 31,209—from 2,040,148 to 2,071,257; while the population of the greater Berlin union has increased from 3,415,161 to 3,947,300. In the division dealing with markets and prices, the statistical data as to the increasing cost of living is strikingly presented. The general financial statement demonstrates the great importance of the revenue undertakings of the municipality. Of the total revenue of 308,000,000 marks, 149,000,000 marks are from such undertakings, 88,000,000 marks from taxes and 23,000,000 marks from loans.

The statistical yearbook for Vienna is an equally comprehensive volume of over 900 pages, containing detailed data for every branch of municipal administration and also more general data, such as those relating to the movement of population, weather records and market prices. One of the twenty chapters deals with taxes; but other sources of revenue and expenditures are shown only under the different topics, and there is no general financial statement.

In the Bremen statiscal year book are similar comprehensive data for each year from 1907 to and including 1911; but as there is less detail it forms a more compact and handy volume.

London Statistics is a volume of over 600 pages, compiled by the statistical officer of the Lundon county council; but containing statistics not only relating to the administrative county but also of all the various public services carried on within the county and some statistics for adjacent districts. In addition to the statistical tables there is a good deal of descriptive matter, a number of illustrative diagrams and several maps showing the various administrative districts. One series of diagrams shows the variations of population in the several metropolitan boroughs from 1801 to 1911, showing striking contrasts between the decrease of population in the cities of London and Westminster, compared with the rapid development of outlying districts, such as Islington, Lambeth, and Wandsworth. Another diagram compares the growth of population in London with that of New York, Paris, Berlin, and Vienna.

The statistical abstract for London is a pamphlet of 132 pages, furnishing less detailed statistics relating to the administrative county and the various districts within the county.

Each of the statistical annuals for these European cities gives to the general public as well as the special student a body of definite information, carefully prepared and published, relating to public affairs and local conditions in these communities, which goes far beyond anything as yet attempted by American cities. Even where a city in this country publishes a general report of all of its departments, this is no more than an aggregation of the various department reports, each prepared by its own officers according to its own standards. In the European cities, the statistical bureaus classify and arrange the data on a general plan, based on statistical standards. American city reports also are confined at best to data as to the city government proper, and contain no information as to other municipal authorities, such as schools, park districts or county affairs. In all these respects our municipal authorities have still much to learn from the practice of European municipalities.

John A. Fairlie.

University of Illinois.

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Reports on Housing.—The accompanying list of reports on housing in American cities is supplementary to a list published in the October, 1912, number of the National Municipal Review.[1] In a few instances reports are included prior to the date set for the beginning of that list (1900), of which we cannot afford to lose sight. There are also included some studies published in magazines between 1900 and 1912 that seem to have a special value, which entitles them to be listed with the more thorough reports issued in book or pamphlet form, and have added reports published since the first list was made up. No attempt, however, is made to list all the magazine articles dealing with housing. These may readily be found by consulting *Poole's Index*, the *Cumulative Guide* or the *Reader's Guide*.

Boston. 1902. Housing conditions in Boston, by R. T. Paine. *Annals of the American Academy*, vol. 20.

1906. Lodging House Problem in Boston, by A. B. Wolfe. *Harvard Economic Studies*, vol. 2.

1913. Report of Tenement and Housing Conditions in Report of the Homestead Commission.

Buffalo. 1903. Tenement House Conditions. *Annals of the American Academy*, vol. 21.

1912. Housing Conditions in Part of the Welcome Hall District. Report prepared by Carol Aronovici for the Social Service Committee of the First Presbyterian Church.

1913. Housing Investigation by Miss Helen Safford Knowles, supplementing Report of Carol Aronovici, on the Housing Conditions of the Welcome Hall District.

Cambridge. 1913. Report of Investigation by Miss Flora Burton in First Report of Cambridge Housing Association.

Chicago. 1912. Tenement Housing Conditions in Twentieth Ward, Chicago. Report of Civics Committee of Chicago Woman's Club.

1912. The Problem of the Negro. Report of Investigation by Alzada P. Comstock, for Chicago School of Civics and Philanthropy.

1912. Two Italian Districts, by G. P. Norton, ed. by S. P. Breckinridge and E. Abbott of the Chicago School of Civics and Philanthropy. *American Journal of Sociology.*

Cincinnati. 1912. Report of Special Survey of Four Districts of the Cincinnati Anti-Tuberculosis League by Samuel P. Withrow.

Englewood, N.J. 1912. Housing conditions in Englewood, N. J. Report of Joseph J. Weber to Civic Association of Englewood.

Grand Rapids. 1913. Housing Conditions and tendencies in Grand Rapids, Michigan. Report of Housing Investigations by Miss Udetta D. Brown. Under the supervision of the Charity Organization Society.

Lawrence. 1912. Report of Housing conditions by Robert E. Todd in Lawrence Survey.

Los Angeles. 1907–1913. Reports of the Los Angeles Housing Commisssion.

Lowell. 1912. Record of a City, A Social Survey, by G. F. Kenngott; Chapter on Housing. The Operatives.

Massachusetts. 1911. Living Conditions of the Wage-Earning Population in Certain Cities of Massachusetts. Massachusetts Bureau of Statistics.

Milwaukee. 1911. Basement Tenements in Milwaukee. Wisconsin Bureau of Labor and Industrial Statistics.

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[1] National Municipal Review, vol. 1, p. 693.

Mount Vernon. 1913. Report of Housing Investigation by Miss Udetta D. Brown.

Newark. 1913. Housing Report to the Newark City Plan Commission. Investigation made by Dr. James Ford of Harvard University.

New Britain, Conn. 1912. Housing Conditions in New Britain, Conn. Report prepared for the Health Department by Carol Aronovici.

Newburgh. 1913. Report of Housing Investigation made by Miss Amy Woods of the Newburgh Associated Charities for the Social Survey, conducted by the Russell Sage Foundation.

New Haven. 1913. Report of Housing Conditions in New Haven by Board of Health. Bulletin of Board of Health (August).

1913. Housing Conditions in New Haven. Report prepared by Carol Aronovici for the Civic Federation of New Haven.

New York City. 1902. The Battle with the Slum, by Jacob A. Riis.

1905. Children of the Tenements, by Jacob A. Riis.

Philadelphia. 1912. Housing Conditions in the Main Line Towns, by Miss M. Bosworth. An investigation made under the direction of the Main Line Housing Association (Suburban towns along the main line of the Pennsylvania Railroad).

Pittsburgh. 1909. The Housing Situation in Pittsburgh, by F. Elisabeth Crowell, *Charities and the Commons,* February 6.

Sacramento. 1913. Report of Investigation of Housing Conditions, by Miss Caroline Schleef. Under direction Chamber of Commerce.

San Francisco. 1912. Second Report of the San Francisco Housing Association.

Springfield, Mass. 1912. Report on Housing Conditions in Springfield prepared for the Housing Committee of the Union Relief Association by Carol Aronovici.

United States. 1911. Cost of Living in American Towns. Report made to the British Board of Trade by a special commission that inquired as to rents, housing and retail prices, together with rates of wages in certain occupations in 28 industrial towns of the United States east of the Mississippi; with an introductory memorandum and a comparison of conditions in the United States and the United Kingdom.

1894. The Slums of Baltimore, Chicago, New York and Philadelphia. Special report of the Commissioner of Labor.

1895. The Housing of the Working People (also contains much data on European countries), by E. R. L. Gould. Special Report of the Commissioner of Labor.

1904. Housing of Working People in the United States by Employers, by G. W. Hangar. U. S. Bureau of Labor, Bulletin 54.

Washington. 1900. Report on the Housing of the Laboring Classes in the City of Washington, D. C., by G. M. M. Kober. Reprinted from the Report of the Health Officer for the District of Columbia.

Yonkers. 1898. The Housing of the Working People in Yonkers, by Ernest Ludlow Bogart.

John Ihlder.[1]

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New York City Reports.—*Report of the Mayor's Billboard Advertising Commission,* New York, 1913. In this report will be found the best discussion of the problem of bill board advertising which has thus far appeared. Following the report of Commissioner of Accounts Fosdick in August, 1912, Mayor Gaynor informally appointed this commission, with Robert Grier Cooke as chairman; and this commisssion has held many open meetings and executive sessions, besides individual work by the members.

The report begins with a brief summary of its work and seventeen recommendations, followed by a series of more extended statements. These deal with the extent of outdoor advertising, aesthetics and the constitution (including an excellent review of judicial dicisions) public health, public safety, administrative machinery, regulations by taxation, regulations by cities, states and foreign countries, and conclude with drafts of proposed ordinances, a proposed statute and a proposed constitutional amendment embodying the recommendations of the report. An interesting series of illustrations of existing conditions are appended.

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[1] Field secretary, National Housing Association.

Issue is taken with the trend of judicial decisions in some states denying any power of regulation on aesthetic grounds; and to overcome such rulings the proposed constitutional amendment is submitted. Meanwhile, however, much can be done by municipal ordinance and statutory legislation on the basis of public health, public safety, taxation and better administration.[1]

Report of the Commissioners of Taxes and Assessment of the City of New York, 1913. The annual report of the New York city department of taxes and assessments summarizes the work of the department for the year, with comparative statements of land and improvement values for each year from 1910 to 1913, and some discussion of full value assessments, the relation of land and improvement values, land value maps, classification of buildings, personal property and coöperation with other cities. Real estate values were increased nearly 12 per cent in 1911 over 1910, while in the two following years there has been a further increase of about 2½ per cent. Land values range from 61.6 per cent of the total value for real estate in 1910 to 63.2 per cent in 1911, since when there has been a slight decline to 62.1 per cent in 1913.

Appendices contain three special reports, on the taxation of personal property in New York State 1880–1913, real estate taxation in Philadelphia, and the assessment of the city of Auburn, N. Y. The Philadelphia report is largely a description of New York methods. The Auburn report was prepared with assistance of one of the deputies of the New York department.

Sixth Report of the Tenement House Department of the City of New York, 1910 and 1911. The period covered by this report choses the first decade of the New York tenement house department, and the report serves to show the results of this effort to ameliorate bad housing conditions. The general results are shown in the reduced death rate for the city and the declining loss of life in tenement house fires, in which the department claims a considerable measure of credit, while recognizing the coöperation in these results of the departments of Health, Fire and Police. At the same time under the stricter building regulations, tenement houses have increased by more than 25 per cent during the decade, and the new houses shelter over one-fourth of the tenement population. Of 82,923 old buildings, 32,308 have been compelled to conform to the requirements of the tenement house law.

In addition to the general review and statistics of the department, there are included reports of the new building bureau, a review of the work of the tenement house bureau of the law department, and a series of illustrations including both bad conditions and the newer types of tenement house construction.

Municipal Year Book of the City of New York, 1913. Reports of the work of municipal government in New York City are published by the several departments; but there has been no general report on the city government as a whole, while a collection of all the departmental reports published in one volume would form too bulky a document to be of much service. Last summer, Robert Adamson, Secretary to Mayor Gaynor, with the assistance of the bureau of municipal research, prepared a handy manual containing brief accounts of the various organs of municipal government and their powers and activities. This year book will be of much value to the citizens of that community, and also to others interested in municipal government; and this example might well be followed by other cities.

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[1] See further review of this report by J. Horace McFarland, page 190.

J. A. F.

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Philadelphia Reports—*Business Methods in Public Works, 1913.*

The Political Assessment of Office Holders, 1913.

Real Estate and its Taxation in Philadelphia, 1913.

These three pamphlets on distinct topics may well be considered together as illustrations of the improvements in municipal methods being introduced in Philadelphia under the administration of Mayor Blankenburg. None of them is a regular official report, and the first two contain notes that they have not been printed at public expense.

The first named is an informal record of the operations of the department of public works. This discusses the reorganization of the department, educational work for the employees of the department, discipline and discharge of employees, economies in operation, maintenance and construction, contracts and coöperation with the public.

The second pamphlet is a report, also by Director Cooke of the department of public works, on the system of political assessments as practiced by the Republican organization in Philadelphia from 1883 to 1913. The report proper covers but 21 pages, including a number of facsimile reproductions of assessment lists; and is followed by a series of tables giving a detailed schedule of such assessments in the department of public works for the election of 1903. Such assessments are believed to have yielded contributions amounting to not less than a quarter of a million dollars for each of the last ten years, and aggregating over $3,000,000 during the decade.

In the pamphlet on real estate taxation, the authors (Robert D. Dripps and Arthur E. Post) have prepared a "primer" on taxation, in the form of questions and answers. An introduction discusses some general questions and outlines the present methods of assessment in Philadelphia; while the larger part of the pamphlet presents a proposed system of realty assessment. In the preface, the authors make special mention of assistance rendered by Lawson Purdy, president of the New York City department of taxes and assessments.

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Philadelphia's Transit Report—The transit report recently submitted by Director A. Merritt Taylor to Mayor Blankenburg is a strong presentation of certain transit needs of the city under consideration and is backed by a wealth of statistical data that is truly imposing and convincing. The recommendations made have been generally accepted by the public and the press as representing the present needs of the city, especially the demands of the business interests of the community. It is pointed out in the report that eventually the undertaking representing an investment of over $62,000,000 for construction and equipment will yield returns on the investment that will pay a proper dividend to the city and whatever other agency may share in the undertaking.

It is not possible in the short space available for the discussion of this report to point out the various aspects of the local problem and the solution presented by Director Taylor, nor would such a discussion be of general interest. There are however certain aspects of the report that relate to the method of reaching the conclusions which are worthy of special consideration.

1. The report deals with the problem of transportation from the business point of view pure and simple. As one reads the report the impression conveyed throughout is that the facts presented and the solution suggested ema-

nates, not from an agent of the city whose prime object it is to provide the best transit facilities for the convenience and comfort of the people of Philadelphia, but as a report prepared for a business concern whose main object is revenue.

2. This impression is further strengthened by an examination of the method employed in ascertaining the needs for the suggested rapid transit lines and also by the fact that the contention of the director is that present traffic flow indicates future traffic flow and that travel in certain directions indicates the need for traffic facilities in these directions.

The fact is however that the present traffic flow which carried the largest part of the traveling public through the center of the city is due to a very considerable extent to the poor transit facilities which have made impossible any other tendency of traffic flow in the conduct of the city's daily business. To assume that the present flow of traffic represents the actual needs of the community seems to be a mistaken conception of the very reason for investigating the traffic needs.

3. The assumption of the present traffic flow as representing the present and future needs of the city has led to recommendations which center all rapid transit lines in the vicinity of the most congested section and will unquestionably tend to increase rather than decrease congestion where it now exists.

4. With the growth of the city and the limit of commerical value that congestion in the center of the city must soon reach, subsidiary business centers should be provided for, but such is not the case. It was assumed throughout that the present conditions and relative size of traffic will remain unchanged in proportion altho growing in size. Nor have the industrial changes of recent years and the future tendencies been considered with a view to properly distributing industrial activities or at least following them in their recent trend. In a word the city's elasticity has been neglected and only growth and speed considered.

5. The comprehensive plans committee has under way many important changes and improvements, but so far as the report shows they have not been considered in the framing of the recommendations submitted. The lines to be built will form a backbone upon which the future city is to be built, but it does not appear that adequate account has been taken of the kind of a city Philadelphia should be or tends to be.

6. It is a well-known fact that rapid transit lines tend to increase land values unless they are generally available or within reach of a large portion of the population. The rapid transit lines as suggested by Mr. Taylor will be great time savers, but unless the "feeder lines" are so coördinated and improved in efficiency and speed as to make them better prepared to distribute the benefits of the rapid transit facilities than they are at the present time, land values along the fast lines will so increase as to induce the construction of large residential buildings with apartment houses, tenements, etc., a condition that is beginning to become manifest along the other fast Philadelphia lines. This would be a great detriment to a community that proudly bears the name of "city of homes." This aspect of the problem is, however, overlooked in the report.

7. As a consequence of the assumption that present traffic indicates the needs for future provisions one of the most beautiful parks in the country located in Philadelphia has been left out of consideration in the proposed transit program. The present number of persons visiting the park amounts to several millions every year, but the traffic study made in the preparation of the report did not show that a rapid transit line is necessary, and thus the most valuable civic asset of the city was left out of consideration.

Aside from the above criticisms the

report is a skillful presentation of certain aspects of the problem and indicates the ability of the new Director as a student of existing conditions. As the recommendations are not final some changes in the present plans will probably take place and Mr. Taylor's services should be treasured by the city which is sadly in need of new transit facilities to maintain its character as a "city of homes."

Carol Aronovici.

Moylan, Pa.

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Annual Reports of the Offices, Boards and Departments of the City of Cincinnati for 1912—In the preparation of the annual reports of Cincinnati for 1912 an attempt has been made to produce something more than a mere compilation of official documents. Public officers, acting in their official capacity, are the agents of their constituents and their reports should be intended primarily for the consumption of the public whose interests they represent. This fact furnishes the keynote for some important changes that have been made in the form and composition of the Cincinnati reports. A conscientious effort has been made to present a readable text prepared in such a manner as to encourage inspection and make possible an intelligent understanding of what has been accomplished during the year.

In order to serve this purpose more effectively than has been done in the past particular attention has been devoted to the outward appearance of the annual volume. The most noticeable change has been in the reduction in bulk to about one-fourth the customary size. This reduction was made possible by a change in the type used, by the utilization of thin but strong paper and by the elimination of some of the detailed tables that have occupied so large a space in former years but which have little significance for the average public.

On the other hand much material has been inserted that had found no place in former reports. Among such may be mentioned the mayor's annual message and reports from the offices of the mayor, departmental directors, the board of hospital commissioners and the city treasurer. The volume thus contains, for the first time, official reports from every governmental unit of the city. More then one hundred illustrations, maps and charts are inserted to emphasize or clarify the material in the text, while a well-prepared table of contents and an adequate index add greatly to its utility.

These gratifying improvements are all enhanced by the care that has been taken in mechanical details involved in editing the volume and by the excellent judgment shown in the use of type, etc. The reports of the various departments and offices were assembled in the mayor's office and subjected to careful editorial supervision before being set up in their final form. The result is a general uniformity in appearance and in the arrangement of subject matter that is too frequently lacking in publications of this character.

C. O. Gardner.

University of Cincinnati.

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Municipal Research and Efficiency Bureaus.—*Institutional Supplies.* Bureau of State and Municipal Research, Baltimore, Md., 1913.

Organization and Administration of the Department of Health of Dayton, Ohio. Dayton Bureau of Municipal Research, 1913.

The Office of County Treasurer of Cook County, Illinois. Chicago Bureau of Public Efficiency, November, 1913.

Reports on Engineer and Janitor Service, Board of Education and on *Bureau of Streets.* Chicago Civil Service Commission, 1913.

These reports furnish illustrations of the recent activity of municipal research and efficiency bureaus. The first three are by privately supported bureaus; the latter are by an efficiency division organized as part of the municipal government.

In the first there is a discussion of institutional buying, notes for the use of purchasing officials, including a form of contract and proposal, and presents forms of standard specifications for certain classes of supplies, based on a study of the specifications used by several state and municipal authorities.

The Dayton report is based on an investigation by Dr. Carl E. McCombs of the New York bureau's training school, and is published by the department of health as its report for 1912. It finds most branches of the work of the department inadequate, defective or inefficient, though the plumbing inspection is reported as well performed. Recommendations are made for changes in organization, records, an increase of funds and more publicity.

The report of the Chicago Bureau of Public Efficiency on the office of County Treasurer of Cook County deals mainly with the manner of handling public money and the question of interest earned on such money. The various funds handled by the Treasurer aggregate approximately $55,000,000 each year. In the past it has been the common practice for the county treasurers to regard the interest on these funds as perquisites of the office. Since 1902, however, in pursuance of campaign pledges, the county treasurers have turned into the county treasury, certain sums as interest earned on the funds in their custody. No audit has been made of treasurers books to determine whether the amounts paid formed the total interest earned.

In the inquiry by the bureau of public efficiency, access was allowed to the "public records" of the office; but permission to inspect the so-called "private records," showing the daily receipts, was refused. From information in the public records, supplemented by data in the county clerk's office, the bureau computes the interest which the county should have received during the year 1911 at $281,526.18, while the amount paid over by the county treasurer was only $150,557.39.

The efficiency division of the Chicago civil service commission has recently published reports on its investigations of the engineer and janitor service of the board of education and of the bureau of streets in the department of public works;—the latter investigation being made in coöperation with the superintending officials of the bureau of streets. These reports are based on minutely detailed investigations of organization, and more particularly of methods and results, carried on by engineers and other efficiency experts. A large part of the data secured deal with technicalities and petty details, which are no doubt important for securing the highest efficiency, but which are not likely to prove of much general interest. Even the summaries of recommendations deal largely with what seems to the outsider matters of detail rather than principle. There are twenty-seven paragraphs summarizing the recommendations as to the school janitor and engineer service; and forty-nine paragraphs as to the bureau of streets,—the latter including one for the purchase of three new squeegees and two new pressure flushers for use in the downtown section, and another that new garbage tanks should be built six or eight inches higher than those now in use. Some advantage would be gained if recommendations of larger importance were more clearly separated from those of minor value.

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New York Art Commission Passes on $29,000,000 of Work.—This annual report of the art commission of New York City covering its operations during the year 1912, shows that the commission considered 272 submissions involving the expenditure of approximately $29,000,000. From one to twenty-five plans for each submission were examined and passed upon. In 225 submissions the designs were approved as submitted and in thirty-six instances the commission disapproved in whole or in part. These thirty-six submissions dealt with twenty-eight different structures. For seventeen of these structures revised plans were prepared and again submitted to the commission and were approved.

Committees of the commission visit every location submitted for public monuments and structures. They also hold frequent conference with heads of departments and designers. During the year 189 committee meetings were held. It is in committee work therefore of which no record appears in the minutes that are found the most engrossing duties of the members of the commission.

The list of submissions includes works in fountains, in sculpture for buildings or parks, tablets, electroliers, elementary and public high schools, fire engine houses, public comfort stations, fire alarm stations, gas lamp posts, illuminated signs, hospitals, bridges and viaducts, public schools, and in fact every kind of structure erected by the municipality. The commission also passed upon twenty-four private structures, including a rapid transit station, railroad shed, railway signs and many railway bridges.

An unusual feature of this publication is the inclusion of a report of the informal conference of the city and state art commissions of the country, held last May.[1] There are now seventeen art commissions in the United States, and twelve of these commissions and seven cities were represented at the conference. Another conference is to be held in the spring of 1914, the arrangements for which have been placed in charge of a committee consisting of Frank L. Babbott, New York, chairman, Leslie W. Miller, Philadelphia, Cass Gilbert, New York, Thomas Allen, Boston, and Burton Mansfield, New Haven.

At this next conference a committee on laws appointed at the meeting in New York will present its report. This has already been drafted by the committee which consists of: John B. Pine, New York, chairman, Arnold W. Brunner, New York, Andrew Wright Crawford, Philadelphia, James G. Cutler, Rochester, and Frederick Law Olmsted, Brookline.

Andrew Wright Crawford.[2]

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Report on the United Railways Company of St. Louis.—The St. Louis public service commission. 2 vols. 1912, 1913. This report is the result of a comprehensive and detailed investigation. In the first volume, by a valuation of the property of the company and the calculation of a reasonable return upon the investment actually in the service of the company, the commission reaches a conclusion as to the excess earnings received over this reasonable return. In the second volume the commission reports on the extent and quality of the service furnished, with recommendations for additional improved service. With the report are published four appendices, with detailed statistical tables, illustrative diagrams and several maps.

In its valuation the commission has relied upon original cost as the theory most calculated to bring about a just result. An appendix by James E. Allison, member and chief engineer of the commission, discussing the question of depreciation, reaches the conclusion that "in all ordinary cases of heretofore unregulated properties we can not justly depreciate to obtain fair value, unless we admit the justice of *ex post facto* laws or equivalent regulation."

On this basis, the commission finds this company a typical example of overcapitalization. With a liberal valuation of $37,638,667, the capitalization of the company is $101,380,300; and its net earnings for 1911 were $1,069,480 in excess of a reasonable return of 6 per cent on the valuation.

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[1] See National Municipal Review, vol. ii, p. 494.

[2] Secretary, Art Jury of Philadelphia.

The recommendations for improved service are summarized in a proposed ordinance requiring a specified number of car trips per day, and giving the public service commission supervision over the operation, schedules and routing of cars, with power to order the withdrawal of cars not in serviceable condition and to order repairs and reconstruction of tracks.

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Royal Commission on Civil Service.—The Royal British Commission on Civil Service of which the Rt. Hon. Lord Macdonnell was chairman listened to some evidence in October, 1912, which is of interest to Americans who are professionally or theoretically concerned with municipal government and civil service administration.

Under the British Civil Service regulations boy clerks or office boys are selected after a severe academic examination and are employed at a salary of 16 shillings (about four dollars) a week in the performance of routine mechanical office duties. At the age of eighteen they are obliged to leave the position of boy clerk. They are eligible to take the open competitive civil service examination for junior clerk which is the clerkship of the next higher grade. This is an even more searching academic examination than the one which the boy clerks took prior to their original appointment and comparatively few boy clerks are able to pass this higher examination. As a result most of these boy clerks are obliged to leave the civil service after a few years of temporary service, which because of the slower pace at which government work is ordinarily done does not tend to qualify them for private employment. This British system works a positive injury upon the boy clerks which is obviated in America by filling the higher clerkships almost exclusively by promotional examinations instead of by open competitive examinations.

The British commission also listened to evidence presented before it to show the advantages which would accrue from appointing local officers of experience to some of the positions in the employ of the local government board, the board of trade, the board of education, the insurance commissioners and other departments of the central government which exercise supervisory control over the localities. It would seem that under the present British civil service regulations these experienced local officers cannot compete because of the existing maximum age limit. It is interesting to note, in this connection that the American civil service organizations frequently recruit the supervisory officers of the government force from the ranks of the experienced local officers and that in Germany all supervisory central officers spend a period of apprenticeship in the service of a municipality or other local division of the government.

Leonhard Felix Fuld.

New York City.

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A Comparative Study of the Public School Systems in the Forty-eight States.—Russell Sage Foundation. New York, 1913. This pamphlet, published early in 1913 and distributed to members of state legislatures and others, presents a series of statistical tables, illustrated by diagrams, relating to public schools in each state. The figures are compiled from official sources, showing the number of children in school and out, the investment in school plant, expenditure per child of school age, total number of school days for each child per year, total attendance, relation of school expenditure to total wealth, daily cost per child, proportion of children in high and elementary schools, and expenditure for salaries. Under each topic the states are ranked; and a summary table and diagram undertakes to combine the results in a general estimate of the relative standing of the several states.

Most attention is likely to be drawn to this final diagram, which shows the states in four groups, with Washington at the head of the first group. An examination of this diagram will perhaps raise some questions in the mind of those familiar with the educational situation; and a closer analysis will show a serious error in the methods employed, which affects the relative standing of a number of states. Five of the ten tests of efficiency applied are based on money expenditure; while there is no recognition of the considerable variations in the service or results to be secured by the same amount of money in different parts of the country. Thus the table gives a higher rank to states in the far west than is indicated if the tests not dependent on money expenditure are alone considered. On the latter basis, Washington takes tenth place instead of first; California, New Jersey, Colorado and Indiana come in the second group instead of the first; and Michigan, Maine, New Hampshire and Iowa are advanced from the second group to the first.

J. A. F.

JUDICIAL DECISIONS

Segregation on Color Lines.—Most southern cities have a well defined negro section. Ambitious negroes, to the consternation of their new neighbors, occasionally move into the more fashionable parts of town however.

To meet this possibility the mayor and city council of Baltimore enacted a "segregation" ordinance under which certain defined portions of the city are set apart for the exclusive use of the negro population and white persons are forbidden to reside therein. Other sections are dedicated to the use of white persons and negroes are forbidden to move into them or use them as a place of abode, except in the case of domestic servants residing with their employers. The ordinance provides for determining the character of blocks thereafter opened to occupancy, and provides that blocks having a mixed occupancy at the time of passage of the ordinance should remain free for the same kind of occupancy.

A colored man was indicted for violating the ordinance and a demurrer to the indictment sustained by the lower court. On appeal, however, the supreme court of Maryland declared it valid. The court held that the provisions of the ordinance being equally applicable to white and colored citizens it could not be regarded as race discrimination. That the circumstance of certain blocks being set aside for the exclusive use of the negroes counterbalanced their exclusion from other parts of the city. Which sounds rather plausible, and is a theory under which practically any sort of treatment of another race can be justified. Legislative care in placing some sort of counterbalance will do the trick. The ordinance was further upheld as being a legitimate exercise of the police power. The court following the case of *Rossburg vs. State*,[1] which interprets the police power of the city as coextensive with that of the state, aud in construing the ordinance as a legitimate exercise of police power likens segregation into city blocks to segregation into separate railway cars. The amount of encouragement for the negro in any aspirations toward social equality to be found in this decision, and in fact in most recent ones of the state supreme courts, is not great.

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Wages in Public Work.—Seattle undertook to build a street railway under general authorization given the cities of Washington by State law. The same law requires a ratification of the project by popular vote. After a favorable vote a bid for the work was accepted and subsequently, but before formal execution of the contract with the bidder, the city adopted a minimum wage scale of $2.75 a day for all labor on local improvement work. The contractor proceeded to pay $2 per day and forfeiture was claimed. In an action to enjoin the city from proceeding with the forfeiture of the contract the supreme court of Washington held[1] that the work was a "public utility" and not a "local improvement." The court distinguished a local improvement as one which being confined to a locality enhances the value of adjacent property as distinguished from public benefits, and the cost of which may be assessed on the property specifically benefited. It held that a street railway track could not be so classified.

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[1] 111 Md., 394.

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The Smoke Nuisance.—Jersey City's attempt to mitigate the smoke nuisance by making it unlawful to permit the emission of dense smoke from the smokestacks of locomotives met with the disapproval of the court of errors and appeals of that state. In *Pennsylvania Railroad Company vs. Mayor and Aldermen of Jersey City*[2] the court held that since the railroad, by legislative authority, is permitted to consume fuel and emit smoke and is not held liable for damage to property provided proper care is used by the company in operating its road it cannot be prohibited from emitting smoke in excessive quantities unless such emission is the result of negligence or want of due care. Authority to pollute the air with coal smoke apparently remains undisturbed in New Jersey.

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The City and Street Conditions.—The nature of a city's duty in regard to its streets is discussed by the supreme court of New York in *Bonny vs. City of New York.*[3] The court draws and explains the distinction between the rights of a person injured while lawfully walking along a street by the subsidence of a sidewalk and that of a person injured while on *private* property adjacent to the street resulting from the operations of the city in improving the street. In the first case the city is held to be bound to use due care to keep the street in a safe condition for use and to be liable for damage from any injury due to a failure in that regard, while in the latter the liability is only for the negligent way in which the work was done or the condition in which it was left.

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Grafting Ineffective.—The Supreme court of Minnesota in *City of Minneapolis vs. Canterbury*[4] discovered a way to mulct of his gains an official who undertook to augment his salary by a method heretofore somewhat common. The city expected to buy a site for a public building and one of its officials who was acting in an advisory capacity in regard to the purchase himself bought the land, conveyed it to a third party and the latter sold it to the city at an enhanced price. The court held the thrifty official a trustee for the benefit of the city and liable for the difference between the price paid by him and that at which the city purchased. Some of the old schemes are getting pretty threadbare and considerably more ingenuity seems to be required to steal from a city and "get away with it" than was sometimes required in former years.

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Implied Contract of Municipality.—The question as to the extent to which a town may be held under an implied contract was before the supreme court of errors of Connecticut in *Vito vs. Town of Simsbury.*[5] If not prevented by positive statute the court held that a town is in practically the position of a private person as to liability for the reasonable value of improvements constructed with its consent and to a certain extent under its supervision, but under a imperfectly executed contract. In this case a retaining wall was built and partly paid for and an offer made in final settlement before the town found the contract for the work to be invalid. The town had the benefit of the contractor's work. The circumstances were held to create an obligation to pay what those services were reasonably worth.

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[1] *Jahn Contracting Company vs. City of Seattle, et al.*, 133 P. R. 458.

[2] 87 A. R. 465.

[3] 141 N. Y. S. 6.

[4] 142 N. W. R. 812.

[5] 87 A. R. 722.

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Licenses and Occupation Tax.—Pueblo as part of an occupation tax ordinance provided that no person should sell any goods from any place not kept by him or directly under his control. The result being to make the way of the non-resident merchant rather hopeless.

The Colorado supreme court held in in *Moffitt vs. City of Pueblo*[1] that while such an ordinance might be valid if uniform in its application to all persons in a given line of trade or occupation, that where the amount of the occupation tax imposed is in excess of the reasonable cost of issuing a license and of regulating the business or is in effect prohibitory the ordinance is void. That where it in effect discriminates between residents and non-residents or between those in the same line of business it cannot be enforced.

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What Constitutes a Dedication.—In *Mayor, etc., of Savannah vs. Standard Fuel Supply Company.*[2] The supreme court of Georgia held that the circumstance of the use by the public of wharf property for other than business purposes, of which property there had been no express dedication, could not be held to deprive the owner of his rights in it. That dedication is a matter of intent and that no intent being shown no rights of the public attached. In the absence of proof of express dedication and acceptance, use by the public is to be regarded as in the nature of a license and such use is not sufficient to raise any presumption of dedication. It would be too bad if an owner of property were unable to allow the public to make any use of it without imperiling his rights in it.

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Billboards and Aesthetics.—The circuit court of Milwaukee County, Wisconsin, has recently rendered a decision that constitutes at least a temporary setback to the cleaner city movement in that jurisdiction. A city ordinance provided that no billboard should be put up or maintained unless, among other requirements, it be placed back from the lot line or line of a navigable waterway a distance equal to its height and be at least three feet away, at each end, from other structures or obstructions. The court held that the evidence of any danger from billboards did not justify any such restrictions, especially in view of the fact that the ordinance required a space of from two to three feet to be left below the billboard. That such a requirement being unreasonable rendered the entire ordinance void.

The decision mentions the possibility of the extension of the police power to the promotion of purely aesthetic objects on the ground of the general good of the community but apparently does not consider such an extension a proper one. It is to be hoped that this decision will be appealed and the supreme court given an opportunity to pass on what may be done in this regard for the general good. The decision as it stands is about ten years out of date.[3]

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Bond Issue—General Purposes.—A charter provision common to most Oregon cities provides that no city bonds shall be issued unless the proposition shall first be submitted to a vote of the people and authorized by them. The City of Grant's Pass attempted by one authorization to empower the common council to issue $200,000 for general municipal purposes, building bridges, street railways, etc. The supreme court of Oregon in *Riggs vs. City of Grant's Pass et al.*[1] held that each proposition for which the bonds were to be issued must be submitted and voted on separately and that such a blanket authorization is invalid.

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[1] 133 P. R. 754.

[2] 78 S. E. R. 906.

[3] This decision does not appear to be in harmony with that of the Missouri Supreme court in the Gunning case, see NATIONAL MUNICIPAL REVIEW, vol. i, p. 153—EDITOR.

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Salary as Determining Tenure.—The rather ingenious theory of the plaintiff in *Chestnut vs. Kansas City*[2] was repudiated by the court. The plaintiff was one of several city employees whose salary was fixed by the council according to a schedule in which the compensation was figured on an annual basis and put under the heading "salary per year." His contention was that he was therefore entitled to a whole year's employment and stipend though the council might want to dispense with his services in a less time. The court could not see it that way and held that the terms of the schedule merely determined the rate of compensation.

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Holidays and Delays.—The question of the weight to be given a holiday in excusing the delay of a city in remedying a defective sewer was before the supreme court of New York in *Sotel vs. City of New York.*[3] Notice of the obstruction and resulting overflowing of plaintiff's premises was given to a building inspector between 8 and 9 p. m. on January 1, 1911. He inspected the premises on the 2d and telephoned the office to which he was attached, which the next day reported to the sewer department and that department removed the obstruction at noon on January 3d. The court considered this an unreasonable length of time to allow for doing the work and refused to allow the intervention of a holiday to affect the length of time to be allowed the city. That the failure of the city to remove the obstruction with reasonable promptness constituted negligence and rendered it liable for damage proximately resulting therefrom.

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Temporary Damages.—A decision of great importance to the taxpayers of Illinois has just been handed down by the supreme court of that state. The sanitary drainage district turned the water into the canal in 1900. The Illinois statute of limitations as to claims for damages runs in five years. After the expiration of that time, however, a number of suits were filed claiming damages against the district in very large amounts.

The theory on which some of the cases were brought and carried from court to court was that the damage being of a continuing nature the suits might be brought at any time, or a new suit might be brought from time to time, on account of that fact. This contention did not meet with the approval of the court, and it was held that unless the suit was instituted within the five year period the right was lost. Had the court sustained the contention, the situation would have been a serious one for not only the sanitary drainage district but for any other authority responsible for great public works in that state.

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Franchise Limitations.—The question as to when negotiations looking toward the purchase of a plant under an option in a franchise become binding on a city was considered by the court in *Washington-Oregon Corporation et al. vs. City of Chehalis, et al.*[4] Under the terms of the franchise the city reserved the right to buy the water company's plant at a valuation to be fixed by appraisers. The city prepared to buy the plant and appraisers were appointed but were unable to agree as to the value. Thereupon the city abandoned the purchase negotiations and started to construct a municipal system. The franchise of the plaintiff corporation contained a provision that during the term of the grant the city would not "contract with any other person or persons, corporation or corporations, for a supply of water."

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[1] 134 P. R. 774.

[2] 157 S. W. R. 655.

[3] 142 N. Y. S. 361.

[4] 202 Fed. 591.

The court held that such a grant should be strictly construed in favor of the public. That nothing not unequivocally granted can be held to pass by implication, and that the city was not only not bound by negotiations for a purchase which were not completed, but that it had the right, notwithstanding the terms of the franchise, to establish its own system during the term thereof.

BOOK REVIEWS

The Civic Theatre in Relation to the Redemption of Leisure. By Percy Mackaye. New York: Mitchell Kennerly.

"The Civic Theatre idea," writes Mr. Percy Mackaye, "implies the conscious awakening of a people to self-government in the activities of its leisure." Many socialists, and notably William Morris, demand that the day's work be made a joy to the laborer. Mr. Mackaye points out that under the most perfect government this would be impossible as long as the day's work consisted, let us say, in manipulating a machine for adding columns of figures or in fixing the tips upon shoe laces. Yet even under our present industrial system a certain part of each day can be given to recreation and artistic self-expression. Leisure at least, if not labor, can be made a joy.

Yet leisure, like labor, is today commercialized. From the Sunday supplement to the best seller, from Coney Island to Broadway, the pleasures of the people are purveyed and determined by private enterprise, whose main and often sole interest in those pleasures lies in the gain that is to be extracted from them. This purely is a condition as intolerable as it is needless. At least, after reading these glowing pages one has the courage of Mr. Mackaye's conviction to say so!

In exchange for the popular dance hall, the recruiting ground of the white slaver, our work-a-day populace is to have dances like the folk dances of old-world Europe, yet enlarged in variety and volume as is fitting in the ampler scope of modern life. For Coney Island it is to have pageants, like the mystery plays of the mediaeval guilds perhaps, the inspiring motive of which is the artistic expression of civic and national feeling. For Broadway it is to have a popular theatre, in which a trained producing staff shall collaborate with a more discriminating audience in the creation of a truly national drama. And in all these enterprises the spirit of self government is to go hand in hand with the spirit of self expression. In its leisure at least the modern populace shall be its own master.

If the idea sounds Utopian merely, the fault lies in this necessarily bald statement of it. A Utopian is a person who sees the solid present only in the light of an imaginary future—a sunset light of cloud-troubled glory, perhaps, yet a very bad substitute for the cold north light of a working laboratory. There is glory in Mr. Mackaye's vision, for he is one of the few genuine poets of today, a temperament of air and of fire. But none the less there is solid earth beneath his feet.

The simple fact is that the future, with the light of which his face is shining, is here with us today, at least in its mighty origins. Folk dancing is already popular in our schools and playgrounds. Every year the number of local pageants increases, and their artistic excellence. Beginning with the Theatre of Arts and Letters, in 1893, there has been a scarcely interrupted succession of efforts to organize the production of the worthier type of drama; and, though many have failed, each failure has given us a clearer understanding of the problem and a renewed energy in the attack upon it. When the New Theatre extinguished its torch, and wrote down the last item of its three millions dollar loss, the prophets of despair permitted themselves to smile. But a great lesson had been laid to heart. The primary step in the movement for a more artistic drama is not to build a theatre but to organize the artistic public. Today every city of note in the land has an organization the work of which is to give system and strength to the demand for a more artistic drama. So widespread and multifarious is this movement toward the adornment of our leisure that many of those who have been identified with it in one or another of its forms will be surprised in reading Mr. Mackaye's volume to find how widespread it has already become, how deep-seated and intense.

If the civic theatre is to be permanent and powerful, Mr. Mackaye urges, it will have to be liberally endowed; but it is one thing to urge endowment and quite another to secure it. An equally grave difficulty is inherent in the idea of a self governing producing staff. In all co-operative efforts, commercial as well as artistic, it is hard to achieve harmony with vigor; but nowhere is it as hard as in the theatre. When it is a question of the reading of a speech, of the bearing of a character, of the tempo of a scene, who shall prevail, the author, the actor or the stage manager? No one of them, surely, but the artistic director of the whole. Yet how can a director find himself, develop his executive staff and his company, build up the policy and the clientèle of the theatre—the work of a decade or of a lifetime—if his tenure of office depends upon those whom he directs? And what purse shall be opened—private, civic, or national—for the permanent endowment of an organization founded only on that liveliest of quicksands, a collection of artistic temperaments?

If Mr. Mackaye had been familiar at first hand with the problems of the late New Theatre, he would, I think, be more lenient than he is with its founders. Mistakes they made, no doubt; yet they gave three years of earnest, enthusiastic effort to the cause, and three millions of dollars. And in spite of the many errors, artistic and practical, which brought the downfall of the institution, it represents today the highwater mark of all our efforts toward artistic and uncommercial drama. Mr. Mackaye is right, however, in saying that it would have been far wiser to use the money in hand as an endowment and build up the institution moderately and gradually on the income of say one hundred to one hundred and twenty thousand dollars a year. Only a permanent endowment can triumph in the end over the eruptions of the artistic temperament!

The volume as a whole is rich in information; and, especially, it is valuable as a stimulus to those who are concerned with the progress of civic enlightenment. A great artistic spirit is at work among us—a spirit which bids fair to teach us that the joy of life awaits us in the humblest doorstep, that the use of leisure is "not to kill time but to fill time."

John Corbin.

New York City.

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Commercialized Prostitution in New York City. By George J. Kneeland. Supplementary Chapter by Katharine Bement Davis and Introduction by John D. Rockefeller, Jr. New York: Century Company, 1913.

The first publication of the bureau of social hygiene of New York is singularly satisfactory in that it is a presentation of facts carefully vouched for and well classified. This story of commercialized prostitution in New York City is gleaned from actual observations by skilful investigators, both men and women, who mingled unsuspected with the owners, managers, and employees of vice resorts. The volume also contains an analysis of the patients in the Bedford Reformatory by Katharine Bement Davis who seeks to get at the underlying causes of prostitution from an examination of institutional cases, and endeavors to discover in what way these may vary from the street cases.

This book does not propose remedies or draw large generalizations of a vague character. Its purpose is well stated at the close of the chapter on "Prostitution, Police and Law," where the author says: "In conclusion, it is proper to state that the purpose of the foregoing chapter is to picture a situation and not by implication to indicate the responsibility for it. Whether the discrepancies between our reports and official records are due to bad laws impossible of enforcement, to the instructions emanating from superior officials, to inefficiency, to corruption, to the existence of evils with which no official machinery can cope or finally to all these causes operating together, we do not undertake to say or to imply. The facts are as stated above; the situation portrayed by them actually exists. It is for the community to consider their significance, and to devise such measures as careful reflection may approve."

Just in that statement of the situation lies the merit of the book. The bureau has performed a real service to the community in this presentation of facts, which include descriptions of vice resorts in Manhattan; places which cater to vice; the exploiters; the prostitute; the customer; the cost of prostitution; its relation to the police and to law; and preventive, reformative and correctional agencies in the city of New York. The reader feels inevitably that estimates of the extent of commercialized prostitution are conservative with no attempt at sensational portrayal.

One of the most important sidelights which the volume sheds upon the responsibility of the community toward this institution or "business" is that which reveals the attitude of the underworld toward the reformer. It is apparent that the underworld regards the latter as a spasmodic force on which it must count for periodical disturbances but from which it fears no permanent and steady interference. The migrations of the owners of the business from place to place in the country are evidence of these periodical suppressions since there are constant returns to old haunts as enforcement grows lax and dispersals to places more free when waves of "reform" arise. The responsibility of city to city is thus made clear.

A distinction is drawn between white slavery and other forms of prostitution which are popularly confused. A further service is that rendered by the attempt to trace the connection between the economic status of the prostitute and her profession. This portion of the study shows that all classes of women are involved as well as all classes of men and that the problem is therefore one of common concern.

We consider this publication especially valuable for public-spirited women; for the facts here presented are indispensable to them as a basis for proposing remedies for prostitution. Every man who reads this story, it would seem, must awaken to a decided sense of the responsibility of men toward women. A social rather than an individualistic conscience must be the inevitable result of a careful study of the facts presented. For this reason the advisability of placing such literature in the hands of all serious students and on the tables of social and political clubs would seem to be clear. Ignorance is no longer a virtue in society. If an awakening can be made intelligent, the fight for righteousness is half won.

Mary R. Beard.

New York.

European Cities at Work. By Frederick C. Howe, Ph.D. New York: Charles Scribner's Sons. $1.75.

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Modern Cities. Progress of the awakening for their betterment here and in Europe. By Horatio M. Pollock, Ph.D. and William S. Morgan, Ph.D. New York: Funk and Wagnalls Company. $1.50.

Dr. Howe's book on *European Cities at Work* discusses mainly the social and economic problems and activities of German cities. Two chapters deal with particular cities—Düsseldorf as a concrete illustration of municipal socialism and Frankfort-on-the-Main, as an example of business administration. Most of the other chapters on German cities discuss some particular phase of municipal action, such as town planning and city building, the housing problem, means of transit, sources of revenue and the budget. Two chapters discuss the city government and the type of business men who manage municipal affairs, and one offers an explanation of the German city.

In the descriptive chapters, Mr. Howe presents an optimistic and enthusiastic account of German city conditions written in an interesting style which should appeal to a wide circle of readers. Here is set forth the tangible results of the community spirit and high civic ideals which should inspire Americans to raise their own standards and accomplishments. At the same time attention is called to the fact that the housing problem is not solved even in Germany, though he does not consider whether the fact that in German cities from one-half to three-fourths of the population live in one and two room dwellings (p. 161) may not serve to explain much of the larger scope of social activities by the municipal authorities.

On the other hand, in attempting an explanation of German municipal success, Dr. Howe is distinctly less satisfactory; and this phase of the subject calls for keener analysis than has yet been made. The author lays the chief emphasis on the large powers of home rule; but in doing so overlooks the central control of police and sanitary administration in most of the large cities, and barely mentions the system of administrative supervision over the local authorities. He recognizes a connection between the direct payment of taxes by the body of voters and economical and efficient administration, but at the same time considers our American system of local taxes much better than the German; but he does not discuss the dilemma thus presented as between the economic and political results of methods of taxation. Moreover, he fails to answer the question whether the control of the municipal government by business men and land owners in Germany may not explain the retention of the income tax and the relatively small proportion of direct taxes paid on real estate—even including the unearned increment tax.

In discussing the British cities—which have been more fully described in an earlier work—attention is given to municipal ownership and garden suburbs. But what has been gained in these lines seems to the author to be more than balanced by the lack of municipal autonomy and the monopoly of land ownership, and the general impression presented is much more gloomy than that of other American writers on municipal government in Great Britain.

From the high praise given to German municipal achievements, the relatively discouraging report of British conditions and the entire omission of any reference to French cities, a critic of democracy might suggest that municipal success in Europe appears to be in inverse ratio to the degree of political democracy. The posibility of this deduction might well have received some attention and reply from a staunch upholder of democracy. To the writer of this review it at least seems demonstrable that democracy and efficient municipal government are nor necessarily identical; and that the problem in this country of securing efficient democracy in our cities, while it presents a higher ideal, is (for that reason perhaps) one more difficult of attainment than that of securing successful results under other political conditions.

Modern Cities deals mainly with social conditions and problems in both American and European cities. It discusses both the work of public authorities and private associations for social betterment and gives relatively little attention to municipal organization. Thus various chapters take up such topics as city planning, the housing problem, the value of art, public health, educational developments, religion and municipal life and the social evil. The writers were associated in municipal betterment work in Albany, New York, and have also made use of impressions and studies in connection with what appear to have been relatively brief visits to Europe.

The book calls attention to some of the more recent tendencies towards social betterment in American cities, and also adds to the accessible information on Italian city condition. Thus, in the latter field are accounts of housing conditions and reforms in Rome and Genoa, a detailed account of harbor improvements in Genoa, and a discussion of the Montessori schools in Rome. But the work as a whole lacks systematic analysis and in value is very uneven. In some chapters are tables of detailed and undigested statistics; in others there are only general statements without specific data; while the literary style leaves much to be desired.

Two interesting chapters are those on public health and the social evil. But, as usual, these are treated as substantially distinct problems. There would seem to be some relation between declining birth rates and a decrease of infant mortality; and a more thorough analysis might find some connection between declining birth rates, the problems of marriage and divorce and the social evil. John A. Fairlie.

University of Illinois.

Our City Civilization. By Henry Rawie. Baltimore: Williams and Wilkins Company, pp. 245. $1.

The title of this book gave us the impression, before reading, that we would be conducted through the tenement and alley life of our cities, the life of the factory and department store, the butterfly existence of our four hundreds, the present day standards and ethics of city civilization compared with the past and future. It is nothing of this sort. Tucked away in small type on a flyleaf is a sub-title "The Science of Value" which although vague is more suggestive of the real content.

The author says he was twenty years in writing it. Too bad. Rightly directed one can accomplish wonders in that time yet we fail to see what Mr. Rawie has or can accomplish with this twenty year effort.

To this practical age the book brings no practicable message. Far too many such books are turned out every year. The pity of it. Nothing grips the attention of the reader. Chapter after chapter of tiresome abstract statements. The reason for the book, as we analyzed it, is found in a paragraph in the second chapter as follows:

> "While it is true that wealth may only arise from the growth of cities, it is also true that the city is responsible for its unequal distribution, and for the worst forms of suffering and injustice that have ever afflicted the human race."

Then we have fourteen more chapters wherein the reader seeks for something definite to lay hold of but does not find it until in Chapter XVII (the last) we reach this sentence:

> "The solution imposed upon me by my taskmaster was as much a surprise to me, as it may be to the reader, and so simple as to almost appear ridiculous—a cash market—a proposition that it now appears should have been self-evident."

Fine, we say, a cash market, what next? Here it is on the next page. Simple remedy, simplicity itself in the sentence:

> "The cost price by which money is being constantly consumed must become the basis of the price above cost by which money that is not consumed will represent the wealth that is not consumed but must be distributed."

Did you get it? Neither did we.

If we remember correctly the demand in our last financial panic was for additional instruments and means of credit. Yet now comes our twenty year book on its last page with some more perfectly simple "remedy."

> "The problem of distributing wealth is a simple one, and may be simply solved, by having the money buying and selling wealth become the money paid in wages, to have the demand and supply of money made equal by abolishing debt, by which the present inequality in wealth is carried from one generation to another."
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> * * * *
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> "The cash market will equalize the distribution of wealth; will enormously expand the circulation of credit money; will advance wages to equal the selling price of capital and commodities each year; will change the price of land to higher prices of improvements, and correct the evils that now inflict society with its multitude of sins."

True, some of our greatest minds have been a generation ahead of their time and their remedies have ultimately been adopted. However, we prophesy that the realization of the remedy recommended in this book will more nearly coördinate with the millennium.

Herbert R. Sands.

New York City.

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The Making of a Town. By Frank L. McVey. Chicago: A. C. McClurg, 1913, cloth, 12 mo., pp. 221. $1 net.

A great deal has been said and written about city planning and town promotion, but for the most part this has dealt with the large city rather than the small one. Little has been written that is applicable to the small town, where the opportunities for timely planning are greatest. *The Making of a Town* is offered as a contribution to this field. It contains a statement of the problems with which every town throughout the country is confronted and offers suggestions which should be helpful in bringing to notice, particularly to the average citizen, some of the essential features and prerequisites of proper town development, and the need of careful planning and direction. The author, who is president of the University of North Dakota, makes no claim to exhaustive treatment of the subject, but seeks merely to formulate the purposes and state the problems of town building which confront the small and growing community. The volume is a good popular general presentation of the main features of town planning and contains many pertinent and helpful suggestions. Not being too exhaustive in its treatment it is especially well adapted for the business man, the member of the chamber of commerce, or the citizen interested in the improvement of his town. The author approaches the subject in a broad way, presents his views in a pleasing and interesting style, and many of his observations apply equally to the city of any size.

The first chapter deals with town building and the necessity of coöperation between all civic and business organizations to bring about a permanent and stable growth in the right direction. Another deals with the essential features of a comprehensive city plan and the scope it should cover. The following four chapters deal with what the author terms the four fundamentals, health, the schools, morals, and business, a chapter being devoted to each, while a later chapter deals with government and administration. It is difficult to understand why this last should not be included in the list of fundamentals, in as much as the four named depend to so large an extent upon an efficient governmental organization. But perhaps this is a fault of arrangement only. Other chapters are devoted to the entrance to the city, organizations and what they can do, advertising the town, and the future of the town. At the end of each chapter is a short and well selected list of references for further reading upon the subject of the chapter.

On the whole the volume is a very suggestive one and should be welcomed by all those interested in the betterment of town conditions and more efficient government in our smaller communities. It is a volume that can well be read by the average citizen to give him a broad yet local view of the demands and future requirements of his town. It is attractively bound in brown and gold.

Ford H. MacGregor.

The University of Wisconsin.

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Principles of Prussian Administration. By Herman Gerlach James. New York: Macmillan Company, 1913, pp. 309.

This is an accurate and lucid account of the very complex system of administration which Prussia gradually built up in the course of several centuries. The first chapter shows the historical foundations, upon which the great organic legislation of the nineteenth century was based; to this the greater part of the book is devoted. In addition to a description of the administrative organization of the country we find also a summary of the important legislation touching matters of public administration; such as the laws of the police, law of press and of association, the poor laws, the system of public schools, and labor legislation. These subjects include the imperial or federal statutes which are administered by the state authorities. The book thus gives more than the title indicates, and the student of comparative public law will find it a convenient and reliable handbook.

At the same time he will also be somewhat disappointed. While the task that Mr. James has set to himself has been well performed, it has been confined to too narrow a compass. The dry bones of the sections of statutes are not enough; we ought to get something of their significance and their operation. For instance, it is a striking fact that while imperial laws are left to state administration there is no supreme judicial federal authority on matters of public law. What happens if a liquor license is illegally refused? On page 66 there is a brief statement as to the power of supervising organs to demand information of the state executive. If this is all the machinery of control, a statement to that effect would be in order. Nor does it appear from the book that the localities below the province, especially the district, are of greater administrative importance than the province itself; yet that is a striking fact of Prussian administrative organization. Altogether there is not enough of critical comment to accompany the exposition of purely legal form and structure.

Exception may also be taken to Mr. James' translation of some technical terms. "Ministry of state" does not convey to us the idea of a council of ministers for which it stands, and the "county prefect" would be preferable to the "circle director." The most literal is not always the most faithful translation, and scrupulousness may easily become pedantry. But slight blemishes like these do not detract from the solid merits of the work.

Ernst Freund.

Chicago.

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City Building. By S. H. Clay. Cincinnati: Clark Publishing Company, 1913, cloth, 8 vo., pp. 165.

This volume is written by the secretary of the Commercial Club of Lexington, Kentucky, and is offered as a suggestive program for the commercial secretary. It is full of suggestions for commercial club activities and should be of no little assistance in directing them in the larger cities. In fact, it is a practical program which could be adopted as a working basis for any commercial club or chamber of commerce in a large city. Nearly all other books on town promotion that have thus far appeared have dealt with generalities, have discussed the subject in the abstract. The present volume deals with it in a concrete way. Instead of discussing what should be embodied in a town promotion program it actually works out the program. The author has collected a great deal of valuable information with reference to the organization, methods, and activities of commercial bodies in the principal cities of the country, and has put the material in concise and convenient outline.

The volume contains thirteen chapters, each of which is divided into six sections each section being two pages in length. The scope of the volume is indicated by the chapter headings which run as follows: The commercial organization; publicity; location of industries; conventions; extension of trade; street building and cleaning; transportation; the city beautiful; education; government by commission; good roads; and agriculture. The method of treatment is shown by the subdivisions of the chapters. The one on good roads, for instance, deals with: Importance of good roads to a community; an educational campaign for good roads; where good roads are found; some national highways; approved methods of building improved roads; and how to finance construction of improved roads. In the same way the chapter on publicity contains sections on the value of publicity, how to secure it, the personal letter campaign, booklets and folders, post card day, display advertising, the news bureau, and similar subjects.

The chief criticism that can be offered to the work is that the arbitrary outline followed necessarily requires all subjects to be treated uniformly. Some of the subjects cannot be adequately treated in two pages, while possibly others might be disposed of with less. So broad a field does not readily lend itself to an arbitrary, cut-and-dried treatment. For the purposes for which the volume was intended, however, an inadequate treatment is doubtless to be preferred to one too exhaustive and long. As it is evidently intended as a program of suggestion and direction rather than advice, it will serve its purpose in its present form. It is purely a utility work, and the author himself, probably, would claim for it no literary merits. It is to be regretted that it could not have appeared in a more attractive form. The typographical work is very poor and bears evidence of having been carelessly and hastily done.

Ford H. MacGregor.
The University of Wisconsin.

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The Oregon System: The Story of Direct Legislation in Oregon. By Allen H. Eaton. Chicago: A. C. McClurg and Company, 1912, pp. VIII, 195.

Mr. Eaton's book is described as "a presentation of the methods and results of the initiative, referendum and recall in Oregon, with studies of the measures accepted or rejected, and special chapters ters on the direct primary, popular election of senators, advantages, defects and dangers of the system." He discusses somewhat in detail the sixty-four different measures passed upom by the voters of Oregon at the regular biennial elections from 1904 to 1910 inclusive. Of these measures, thirty-one were adopted and thirty-three rejected.

Mr. Eaton's book is very interesting. The author is favorable to the principle of direct legislation, but is critical of some of the practices connected with it in Oregon. He points out as one of its direct benefits, the increasing interest of the average elector in legislation, and shows that the press and all sorts of organizations take a very active part in the discussion of measures referred to the people. He states that "thousands of men who never participated in politics under the old régime have become interested and feel a responsibility that is new and strong." As indirect benefits of the system he cites the enactment of the primary law with provision for the direct election of United States senators, home rule for cities, a corrupt practices act, the presidential preference primary law, the recall as applied to all public officials, and several other measures.

As evils and dangers of the system, he calls attention to the high cost of direct legislation, and states that the safeguards of the constitution have been entirely destroyed, that the people have been fooled into passing laws against their own interests and convictions and that the machinery of direct legislation has fallen into the hands of dishonest men, who, for money and spite, have abused their privileges, misrepresented the citizenship and brought disgrace upon the state. He does not regard the objection based upon the cost of direct legislation as very serious. He points out, however, that the constitution has been thrown into the melting pot and can now be amended with as much ease and by the same methods as the statutes. He points out specifically how the single taxers induced the people to pass a home rule tax amendment in 1910 by a trick. The attention of the voters was concentrated on the prohibition of the poll tax —which did not exist—and called away from the real significance of the amendment, in regard to which the people, at the previous election, had expressed themselves negatively by an overwhelming majority. He also tells an astonishing tale of spite and fraud in the referendum campaigns against the University of Oregon. This story brings out the abuses of the initiative and referendum in the matter of the petitions.

Mr. Eaton suggests certain amendments to the Oregon system which, in his judgment, would do away with the most serious of the evils referred to, and make it possible for the system to work out according to the intention of its real friends. These suggestions are as follows:

1. Abolish the professional circulator by making it a crime for any man to give or receive money for signatures on initiative or referendum petitions.
2. Provide that the petitions shall be placed in the hands of the registration officers so that they will be signed without personal solicitation by those who have a genuine interest in them.
3. Make it unlawful for any one but a registered voter to sign a petition, and provide that the signatures shall be checked off against the registration lists by the county clerks before being filed with the secretary of state.
4. Provide for a drafting committee or commission appointed by the governor or state board of control to prepare the ballot titles and to make the purpose of proposed measures clear to the voters in the electors' pamphlet and through the press. No bill should be drafted covering many different subjects.
5. Provide either that constitutional amendments shall be passed at two consecutive elections or that, before being submitted to the voters, they shall be presented to the legislature for examination, discussion and possible amendment.

Mr. Eaton's book came out before the 1912 election, at which thirty-seven additional measures were passed upon by the Oregon electorate. The home rule tax amendment, which he describes as having been foisted upon the people by trickery, was repealed. Woman suffrage, which had been defeated at the three preceeding elections by increasing majorities was adopted. The average percentage of the voters who took the trouble to vote on measures was 74, as against 72 in 1910, 77 in 1908, 76 in 1906 and 78 in 1904. Ten of the thirty-seven measures submitted were approved.

Delos F. Wilcox.

New York City.

THE COMMISSION PLAN. By George F. Rudisill. Columbus, Ohio: The Federal Printing Company. 25 cents.

This is a little 80-page paper-bound book for those who wish to secure an elementary knowledge of the subject. The chapters are fifteen in all, and tell in a clear and simple way the origin of the movement and some of the more conspicuous results achieved by the plan in various cities. The details of the charters are not given, but the general underlying principles are made clear.

The book is not critical in its treatment, and evidently is not intended to be such. For example, the statement of the results is compiled partly from official statements and partly from newspaper items, without analysis. The sum total of these statements is somewhat impressive but they could hardly be taken as authoritative. The list of cities under the commission plan is corrected up to June 18, 1913. A bibliography contains the names of all the better known books on commission government.

H. S. GILBERTSON.

New York.

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REPORT OF THE MAYOR'S BILLBOARD ADVERTISING COMMISSION OF THE CITY OF NEW YORK. August 1, 1913. Robert Grier Cooke, Chairman. Albert S. Bard, Secretary. Pp. 151, including 25 pp. illus.

The billboard erectors and their attorneys, and a few of the deceived business men who are their customers, have the habit of blaming all anti-billboard literature either on "long-haired or short-skirted" fanatics, or on the self-interest of those whom they presume might profit if their methods of publicity were prohibited, restrained, or even brought under reasonable regulation. But here is a presentation to which any such motives cannot be truthfully ascribed. The late Mayor Gaynor, doubtless moved by what he saw in New York, on December 24, 1912, constituted a commission of seven men "to look into the matter of advertising in New York City by means of billboards, sky-signs and kindred devices, and to report to the mayor thereon with their recommendations."

This commission held many meetings, and its members also did much individual investigating, during eight months of 1913. The result is this able, considerate, clearly expressed report with its illustrations and definite recommendations. Use was made and acknowledged of an excellent investigation in 1912 of billboard advertising by the then commissioner of accounts, Raymond B. Fosdick, and also of a report to Mayor Gaynor January 11, 1913, upon "new sources of city revenue."

The New York commission has studied the legal, moral and financial aspects of the billboard problem, as well as its esthetic relations. The report is by far the most extended, searching and definite presentation yet made in relation to outdoor advertising in America, and its admirable summary of the attempts to regulate and of existing regulations in American and foreign communities will prove exceedingly valuable to those elsewhere than in New York who are endeavoring to cope with the "uglyfying" flood of American billboards.

The billboard situation in New York, reports the commission, "has been allowed to grow up practically unrestrained until it has reached such proportions that the most serious efforts are now needed to bring it under regulation." Because "it is entirely optional with a person whether he will read advertisements in newspapers and circulars" while "an outdoor advertisement is thrust upon his attention whether he will or not," the commission concludes that as it also lends itself to "the creation of physical dangers and nuisances which do not accompany periodical or circular advertising . . . . outdoor advertising so intimately affects the public welfare that its governmental regulation appears to be entirely justifiable."

Billboards "are thrust into the finest

vistas which our public places present; . . . . they neutralize the effects produced by the exercise of our finest genius and the expenditure of vast sums of money . . . . increase the fire risk . . . . in the subway and elevated stations interfere with the free use of the platforms and prevent the recognition of the station signs. . . . . Illuminated signs interfere with sleep."

Most significant, in its statement as to the confusing views held by courts, is the declaration of the mayor's commission that "We believe the time has arrived in this state when public sentiment will warrant writing the word 'beauty' into the constitution."

The investigation showed the existence in New York City in 1912 of "a total area of 3,800,000 square feet, or about 90 acres of billboard advertising surface." Of this vast area, the erections of 1911 alone, for one year, would, as a fence 10 feet in height, "extend for a distance of 7.3 miles."

The revenues of the street railway advertising business alone aggregated, as reported to the public service commission in 1911, $1,107,065.13. The inefficient advertising value to the advertiser of this and the much more extensive billboard areas is attacked with many definite quotations, and the insignificant item of $9000 a year derived by the city from permits to erect electric signs is given as an instance of the escape of the advertising interests from just taxation.

For the control of the evil, the commission makes seventeen definite recommendations, several of which would require constitutional amendments as a precedent to legislative action. The recommendations include the prohibition of billboards "on or in the immediate neighborhood of parks, squares, public buildings, boulevards," or where they "obstruct a fine view;" the sharp censorship of "objectionable advertising;" sanitary regulation to prevent indecency or the accumulation of filth or rubbish; the prohibition or restriction of flashing electric signs "in or near residential districts . . . . hotels, hospitals and other places where they disturb sleep;" the limitation in size of all signs; local option as to sign erection in localities; and "the imposition of a graded excise tax upon the business of outdoor advertising."

Should nothing be done in the metropolis as a result of these recommendations, the country at large will nevertheless be greatly indebted to the late mayor for suggesting, and to this able commission for making, this most importantly comprehensive showing of the present intolerable billboard situation.

J. HORACE McFARLAND.

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THE REPORT OF THE PHILADELPHIA BABY SAVING SHOW. With the Proceedings of the Conference on Infant Hygiene. May 18–26, 1912. Philadelphia: The Executive Committee. [On sale by the Child Hygiene Association.] Pp. 270; illus. $1.

The greater part of this well made volume consists of a "Directory and Catalogue of Exhibits, Charts, Diagrams, Signs and Illustrations," which includes "a copy of every chart and the descriptive legend which appeared on each of the photographs and drawings shown in the entire exhibition." By this means much information is given which is valuable both in itself and by way of guide or suggestion for later exhibits. Another useful feature is a brief financial statement showing under eleven heads how the $14,704 which the exhibit cost was distributed. Nearly a hundred pages are filled with the papers presented at the conference and a summary of the discussions which they elicited. Among the papers were: "Municipal Child Bureaus," by S. Josephine Baker, M.D.; "Infant Milk Depots," by R. G. Freeman, M.D.; "The Effect of Housing upon Infant Mortality," by Prof. C.-E. A. Winslow; "Education for Better Parenthood," by Dr. Helen C.

Putnam; and "The Value of Recreation in Relation to Infant Mortality.

M. N. Baker.

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The New Public Health. By H. W. Hill. Minneapolis, Minn.: *The Journal-Lancet.*

Dr. Hill pleads forcefully because in every-day language and with strength of conviction for the general adoption of the new point of attack against the spread of communicable diseases which is now being practiced by a few of the most progressive health departments. This point of attack is infected persons and is designed to prevent infection from escaping from them directly to other and well persons, which is the greater danger, and destroys infective material before it can infect things and be scattered beyond control, which is a lesser but in many cases still a serious danger.

Specific chapters that may be mentioned deal with the public health engineer, the laboratory and statistician. The public health engineer, when given the work for which he alone is trained, will plan, build or otherwise provide and operate all sanitary works and services, leaving to the health officer the task of controlling the infective individual and of destroying his infectious discharges before they reach the main routes of infection, which are water, milk, certain other foods, contact and flies.

Dr. Hill writes from a full and deep experience in the laboratories of the Boston board of health and later as director of the division of epidemiology of the Minnesota state board of health. The contents of his valuable little book originally appeared as a series of articles in the Minneapolis *Journal-Lancet*, under the auspices of the Minnesota state board of health. At present Dr. Hill is director of the Institute of Public Health, London, Ont.

The book deserves a wide circulation and careful reading, both among health officers and laymen, and particularly among physicians, a large percentage of whom are essentially laymen in all matters of public as contrasted with private health.

M. N. Baker.

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Hygiene for Health Visitors, School Nurses and Social Workers. By C. W. Hutt. London: P. S. King and Son. 7s. 6d.

An essentially practical book covering a wide range of topics of interest in the United States not only to our health officers, visiting nurses and social workers, but also to the housekeeper, mother, school teacher and college student who wishes to know "what to do about it." There is no emergency for which the reader is not prepared, from colic to choked drains.

The commonsense suggestions of Dr. Hutt include questions of personal hygiene, dietetics, clothing, ventilation and heating, building construction and all common sicknesses of children and adults. Two valuable chapters deal with "first aid to the injured" and with the symptoms of infectious diseases, how they should be isolated, disinfected, directions for simple home nursing, etc. In each chapter, whether on standard foods, physical exercises, pure water supply, disposal of refuse or plans for model dwellings, special emphasis is put on the relation of public schools to these questions of public health. The care of school buildings, model seats and desks and cloak rooms are given considerable space. The book ends with a digest of legal knowledge which bears on public and private health and on the welfare of children in England.

Numerous charts, diagrams and photographs add to the definiteness of the simply-worded descriptions and suggestions, which always rest on a basis of fact and science. A complete index makes the volume convenient for ready reference.

William H. Allen.

New York.

LONDON PUBLIC HEALTH ADMINISTRATION. By W. McFranklyn. London: Longmans, Green and Company. 90 cents.

After a slight historical sketch a tabulated summary is given of 41 "services" more or less closely related to the public health of London, such as infant life protection, baths and wash-houses, burials, smoke control, and sewerage. Following this summary is a chronological list of parliamentary acts "and a note of some other events" connected with London public health administration. The volume is a small handbook designed to meet the need of "foreign visitors to London," and is a summary of a larger book on which the author is engaged.

M. N. BAKER.

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THE REDUCTION OF DOMESTIC FLIES. By Edward Halford Ross. Published in London, by John Murray; in Philadelphia, by J. B. Lippincott Company; pp. 103, with illus.

"The object of this book is to bring to public notice the necessity for the reduction of domestic houseflies in cities, villages and rural districts," writes Dr. Ross, whose experience as health officer at Port Said, the Suez canal district and Cairo, has surely given him plentiful reason to know to dread and to try to destroy the little beast of which his present book treats. He writes from the British standpoint, and says: "In some countries anti-fly campaigns are in progress, but in Great Britain little has so far been done generally to attack this problem."

Dr. Ross presents a clear picture of the fly's progress, and he again successfully indicts it of many serious crimes. But the life history of the fly, and its scientific analysis, are of little importance in comparison with the problem set out in the title of the book. It is actual help in the life-saving campaign involved in the reduction of domestic flies that we most need.

Disappointment will be felt by the American fly-fighter who looks to this English authority for anything new or especially helpful. Like every other writer on the subject, Dr. Ross tells us that horse-manure is the favorite "lair" of the fly and its larvae. Then he goes on to say: "The easiest and best way to reduce the total number of flies in any given community is to kill the fly-larvae when they are feeding in the manure-heap; and the easiest way to kill the larvae is to destroy the manure-heap and all it contains. . . . . The manure must be destroyed regularly once every week during the fly-breeding season." But how? "A little paraffin [kerosene in America] thrown over a manure-heap does no harm to its properties."

This statement does not agree with the experience of thoughtful American investigators. In Bailey's *Farm and Garden Rule Book*, an authoritative source, Prof. C. R. Crosley, writes: "It is rather difficult to treat manure-piles with any substance to prevent fly breeding: chloride of lime, kerosene and iron sulphate have been tried, but when used in economical quantities are not effective."

Further, while it is both practicable and proper to ask the city stableman to cover, send away or destroy the horse-manure he has to do with, it is neither to make such a proposition to the farmer, to whom horse-manure, either from his own stables, or from the cities, has a definite value. Professor Roberts, in the work just cited, gives $27.74 as the value per year of the manure per 1000 pounds of horse, which means that the average horse is worth to his owner for fertilizer alone about $2.50 per month. Will he willingly spend considerable money for kerosene to destroy that value?

Dr. Ross has failed, as his predecessors have failed, to propose a practicable means for controlling the breeding of flies in their chief birth-place, the manure-pile. It is high time for these sanitarians to investigate, devise and determine such means; and while this and other similar books are useful as extending knowledge and dread of the "typhoid fly," they are less valuable than they ought to be because they merely generalize upon means for checking the fly pest at its most potent source.

J. Horace McFarland.

Harrisburg, Pa.

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The Mixing: What the Hillport Neighbors Did. By Bouck White. New York: Doubleday, Page and Company, pp. 344. $1.20.

It is significant of the new position in the United States of community advance that it should become the theme of the novelist. Slavery had dealt to it no harder blow than the publication of *Uncle Tom's Cabin,* and great movements have ever, in the fullness of time, evoked great romances or great stories.

The Mixing follows the fortunes of a town to which commuters had been attracted by its favorable proximity to a metropolis, after a preacher who sought to serve his people whole-heartedly had realized the sharp line of separation between the natives and the new residents. He had a "rally day," out of which grew the founding of a "neighborhood association," and many other things also happened to mix the various classes in Hillport into a community with civic consciousness.

There followed the organization of a coöperative marketing company, a traveling library, a newspaper and a printing-office and other somewhat remotely related enterprises. The local political gang was broken up, the boss becoming a leader for better living.

The book is a curious mixture of excellent ideas for community betterment, industrial coöperation and practical religion, combined in a fashion which does not seem possible to occur. There are notable inconsistencies developed, and there is a peculiar similarity in the dialogue, and in the rather crude English used throughout.

The impression is made that the writer of this book has had little of real experience upon which to base his presentation, though it is apparent that he wants to be of service. It is regretted that knowledge of the practical working of improvement movements could not have served to provide in this book a more definite background for the rather entertaining succession of events which make up *What Hillport Neighbors Did.*

Though the *Uncle Tom's Cabin* of civic advance is yet to be written, *The Mixing* can do some good, until the greater book appears.

J. Horace McFarland.

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Safety: Methods for Preventing Occupational and Other Accidents and Diseases. By William H. Tolman and Leonard B. Kendall. New York: Harper and Brothers. Illus. $3.

Like charity, safety, in this volume, covers a multitude of sins—and of virtues as well. The book is of the propagandist order, rather than a scientific treatise, and takes in many subjects which really fall in that ill-defined field called "Social Welfare"—to which latter subject, indeed, more than a hundred pages are specifically devoted, besides the space taken up here and there through the book.

Of the four parts into which the volume is divided the first deals with "General Conditions;" the second with "Danger Zones," or physical dangers incident to various industries; the third with "Industrial Hygiene," including trade poisoning and shop sanitation; and the fourth, as already stated, with "Social Welfare." The closing chapter of this section and of the book describes the American Museum of Safety.

Although Parts I and II of the book contain many descriptions of safety devices and protective measures which may be directly useful in promoting safety, the treatment under each head, such as transportation, is sketchy and fragmentary—suggestive rather than complete and not at all systematic.

A few loose and misleading statements relating to matters of sanitation and engineering suggest that a critical examination of other portions of the book dealing with technical matters would show that the authors have fallen into a number of the pitfalls which beset those who attempt to cover a wide range of subjects regarding which they have only a general knowledge without any understanding of fundamental principles and important details.

M. N. Baker.

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Specifications for Street Roadway Pavements. With instructions to inspectors on street paving work By S. Whinery. Second Edition. New York: McGraw-Hill Book Company, 1913. Cloth, 6 by 9 in., pp. 116. $1 net.

Asphalt Construction for Pavements and Highways. A pocketbook for engineers, contractors and inspectors. By Clifford Richardson. New York: McGraw-Hill Book Company. Flexible cloth, 4 by 6 in., pp. 515, illus. $2 net.

Each of these books is designed primarily for men engaged in street paving but will be useful to any intelligent person sufficiently interested in pavements to be willing to study the technical details essential to good work. Mr. Whinery's book includes specifications for all classes of city pavements, as well as for concrete curbs and gutters and concrete sidewalks; it also contains some twenty-five pages of instructions to paving inspectors. Mr. Richardson's book covers the whole range of construction of asphalt pavements and asphalt and stone roadways for country districts, including the selection, proportioning, mixing, testing and placing of the materials—but it is limited to Trinidad and Bermudez asphalt. It should be noted further of Mr. Whinery's book that it contains an excellent brief discussion of the principles which should govern specification writing. This discussion applies with almost equal force to any class of municipal or state work and deserves wide and attentive reading. Finally, each book, within the limits of its respective field, deserves high commendation as a condensed presentation of much knowledge gathered through years of close study and practical experience.

M. N. Baker.

Montclair, N. J.

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Water Works of Canada. Compiled by Leo G. Denis, Ottawa, Ont.: Commission of Conservation.

The "principal physical and financial data" for 346 waterworks plants in nine provinces of Canada are given in text form. This information is followed by a number of summaries showing, among other things, ownership (276 municipal to 70 private) and growth of water works in numbers by half decades (from 4 in 1850 to 348 in 1911). Water rates are given in detail for various cities. The compiler of the volume, who is hydro-electric engineer of the Commission on Conservation, appears to have done a very creditable piece of work, which might well be revised and extended at frequent intervals, if not annually.

M. N. Baker.

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Powers, Chief Statistician for Finance and Municipal Statistics. Washington: Government Printing Office, 1913.

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Public Opinion and Popular Government. By A. Lawrence Lowell. New York: Longmans, Green and Company. American Citizen Series. $2.25.

Public Utilities: Their Cost New and Depreciation. By Hammond V. Hayes. New York: D. Van Nostrand and Company. $2.

Religion in Social Action. By Graham Taylor. With an introduction by Jane Addams. New York: Dodd, Mead and Company. $1.25.

Sixth Meeting of the National Assembly of Civil Service Commissions, New York City, June 12, 13, 14, 1913. Published by the Citizens' Committee appointed to arrange for the Social Entertainment of the Delegates by His Honor the Mayor of the City of New York.

Social Forces. A Topical Outline with Bibliography. Issued by the Educational Committee, Wisconsin Woman's Suffrage Association, Madison, Wis. 15 cents.

Transactions of the Ninth International Otological Congress, Boston, 12–17, 1912. Edited under the direction of the Publication Committee by Dr. Henry O. Reik. Baltimore: Williams and Wilkins Company.

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Miss Adelaide R. Hasse, *Chief of the Division of Documents, New York Public Library*

Associate Editor in Charge

General

Cincinnati, Ohio. Account (An) of the administration of Henry T. Hunt and his associates. 1913. 16 leaves. 8°. **Np.**

Issued as a campaign document pending the November election in Cincinnati, Ohio. It may well serve, however, as a valuable record of the successful administration of an able mayor.

Alpena, Mich. A city and county of opportunities. 16 leaves. illus., 1 map. 8°. **Np.**

Published by the board of supervisors of Alpena County, common council of the City of Alpena and the Alpena Chamber of Commerce.

Baltimore. Some things you should know about your city government; series of practical talks on Baltimore delivered before the Women's Civic League; excerpts from the Baltimore Municipal Journal. 1913. **Sp.**

Government of city, the budget, water and sewage systems, paving and street cleaning, health problems.

Chicago, Ill. Bureau of public efficiency. The office of county treasurer of Cook County, Illinois. An inquiry into the administration of its finances with special reference to the question of interest on public funds. November, 1913. 67 p. 8°. **Cc; Cm; Cs; Np.**

—— Civil service commission. Reports on the bureau of streets (of the) department of public works. 1913. 113 p. 29 plates. 4°. **Cc; Cm; Cp; Cs; Np.**

Investigations conducted at the order of the city council and at the request of the commissioner of public works, April 21, 1913 to October 15, 1913.

—— —— Report (by the efficiency division of the commission) on the investigation of engineer and janitor service (of the) board of education. 1913. 71 p. 3 folded diagrs. 4°. **Cm; Cp; Cs; Np.**

Inquiry conducted at the request of the board of education, May 1, 1913, to September 5, 1913.

Chicago Association of Commerce. Civic industrial committee. District map of Chicago. 1913. 35 x 16⅝ in.

Map shows railway lines, terminals and stations, street railways, population and in a way distribution of labor of 40 districts into which the city is divided. The map is reproduced in Chicago Commerce, the weekly organ of the Association, of November 21, 1913. Copies of practicable size may be obtained by addressing W. R. Humphrey, industrial commissioner of the Association, 10 South La Salle Street, Chicago, Ill.

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[1] By arrangement with the Chicago School of Civics and Philanthropy and the St. Louis Municipal Reference Branch of the Public Library, the libraries of those cities will hereafter coöperate in the compilation of the bibliography printed in the National Municipal Review. The task of assembling the Chicago material has been undertaken by Miss Renée B. Stern of the Chicago School of Civics and Philanthropy. Mr. A. L. Bostwick of the St. Louis Municipal Reference Branch will assemble the material for St. Louis. The symbols attached to titles in the bibliography indicate the libraries which have reported the receipt of the title.

Explanation of symbols

Cc, Chicago, City Club Library
Cj, Chicago, John Crerar Library
Cm, Chicago, Municipal Library
Cp, Chicago, Chicago Public Library
Cs, Chicago, Chicago School of Civics and Philanthropy
Np, New York City, New York Public Library
Sp, St. Louis, St. Louis Public Library

In this connection it may be well to state that it is not the intention to include titles of annual reports in the Bibliography, except in special instances. An annual report issued for the first time will always be included; as well as one issued in a changed form. An annual report containing unusual features will also be noted.

A similar map for Cleveland is noted below under Hurd, D. F.

Chicago Real Estate Board. How can we obtain drainage, sewage disposal, water power and harbor for Chicago? by Henry H. Walker. November 5, 1913. 8 p. (Bulletin no. 5). **Cm.**

Detroit, Mich. Municipal manual of the city of Detroit; facts and figures pertaining to the various departments of the city government, and incidental information on many subjects of general interest. Compiled by Richard Lindsay, City Clerk. 1913–14. **Sp.**

Galveston, Texas. Report of a sanitary survey of the city of Galveston, Texas. 30 p. 12°. **Np.**

The printed report is without a date, but a communication of the Galveston Commercial Association of November 12, 1913, refers to the report as that of a recent survey. A survey of the general physical state of Galveston, including housing conditions.

Hamilton, Ontario. Hamilton, Canada, its history, commerce, industries, resources. Issued under the auspices of the City Council in the centennial year 1913. 340 p. illus. 8°. **Np.**

Hamilton, William B. A social survey of Austin (Texas). 1913. x, 89, xix p. 8°. **Np.**

Bulletin of the University of Texas, No. 273. Humanistic Series, no. 15.

Hodges, Leroy. Training for citizenship. An article on the Winston-Salem plan of training for citizenship. Presented to the U. S. Senate, September 18, 1913. 5 p. 8°. (U. S. 63 congress, 1 session, Senate doc. 188.) **Cp. Np.**

Describes an instance of successful organization of boys for training in the obligations and responsibilities of citizenship.

Howard, George E. Present political questions. An analytical reference syllabus. November, 1913. 184 p. 8°. **Np.**

Professor Howard is head professor of political science and sociology in the University of Nebraska. The volume is published by the University. Section 12–17, p. 85–121, relate to municipal government, viz. sec. 12, The modern city: its meaning and the nature of its problem., sec. 13, The origin of American municipalities; sec. 14, The municipal program of the National Municipal League; sec. 15, The movement for municipal home rule; sec. 16, Commission government and the short ballot; sec. 17, Theory of American bad government. Each section is followed by a selection of "References."

Hurd, D. F., compiler. The railroad and industrial map of Cleveland. 2½ in. =1 mile. 36x50 in. **Np.**

Mr. Hurd is traffic commissioner of the Cleveland Chamber of Commerce. The map is published by The Traffic World, 418 South Market Street, Chicago, Ill. Price, $1.50 on paper, and $2.50 linen backed.

A similar map for Chicago is noted above under Chicago Association of Commerce.

Los Angeles Celebration Commission. Commemorative of the official opening (of) The Los Angeles Aqueduct and Exposition Park. November 5–6, 1913. 15 leaves, illus. 8°. **Np.**

Lyons, France. Lyons international urban exhibition and French colonies exhibition, May 1–November 1, 1914. Lyon, 1913. 24 p. illus. 4°. **Np.**

Address: Bureau of Administration, Hotel de Ville, Lyon, France.

Milwaukee, Wis. Bureau of municipal research. Standardization of salaries of the city of Milwaukee. November 4, 1913. 96 p., 11 folding tables. 8°. **Np.**

Naples, Italy. Haec est illa Neapolis. . . . . A cura del comune di Napoli. 1913, vii, 94 p., 1 leaf. illus. 8°. **Np.**

A popular exposition of the antiquities, arts, artists, notabilities, etc. of Naples. Attractively illustrated. The volume is distributed by the sindaco of the city.

National Short Ballot Organization. The story of the short ballot cities. An explanation of the success of the commission form of government. 1913. 19 p. 8°. **Np; Sp.**

Address: National short ballot organization, 383 Fourth Avenue, New York City. Copies will be sent on request. Contains a list of short ballot cities corrected to October 10, 1913.

—— The city manager plan of municipal government. 1913. 35 p. 4°. Cm; Cs; Np; Sp.

Price 25 cents the copy.

New York City. Bureau of municipal research. A report on a preliminary survey of certain departments of the city of Milwaukee. 1913. 135 p. illus., 1 folding chart. 8°. Np.

Published by the Milwaukee Citizens' Bureau of Municipal Efficiency, Walter Stern, secretary.

—— —— The City of Pittsburgh, Pennsylvania. Report of survey. June–July, 1913. v.p. 8°. Np.

The volume is made up of several special reports, as follows: Report on a survey of the department of public health, 62 p. Report on a survey of the department of city controller, 39 p. Report on a survey of the city council, department of public works, department of supplies, department of collector of delinquent taxes, civil service commission, 69 p. Report on a survey of the department of public safety, bureau of police, bureau of fire, municipal explosives board, inspector of employment agencies, ordnance office and division of weights and measures, 159 p.

—— Commissioners of accounts. Three and one-half years in the office of the commissioners of accounts, New York City. 1913. 34 p., 5 leaves. 8°. Cc; Cm; Np.

Ontario, Canada. Bureau of industries. Municipal bulletin. No. 7. October 1913. 32 p. 8°. Np.

Issued once a year in the late summer or early autumn. No. 7 presents in a concise form the population of all municipalities grouped into counties and districts, for 1913, and the assessed values, taxation, debenture debts and sinking funds for 1912. The earlier issues contain the same material for preceding years. This bulletin is a preliminary statement being subject to revision before it appears in final form as part III of the annual report of the bureau.

—— Publicity and industrial bureau. Ottawa, Canada. Industrial advantages —a beautiful residential city. 1913. 48 p., illus. 1 map. 8°. Np.

—— —— Map showing the water powers, minerals and transportation facilities within a radius of 60 miles of Ottawa. Scale: 5 m. = $1\frac{1}{10}$in. 21x27 in. Np.

Philadelphia, Pa. Business methods in municipal works. An informal record of the operations of the department of public works, of the city of Philadelphia under the administration of Mayor Blankenburg. 1913. 64 p. 8°. Np; Sp.

—— Department of public works. The political assessment of office holders. A report on the system as practiced by the republican organization in the city of Philadelphia 1883–1913. 84 p. 8°. Np.

On the title page is printed the legend: "This pamphlet is not published at public expense."

St. Louis, Mo. (Manual of the) council of the city of St. Louis, 1913–1914. 8 leaves. 16°. Np; Sp.

Shaw, Albert. Knowledge in the guidance of communities. Commencement address, June 14, 1913, University of Cincinnati. (University of Cincinnati Record, ser. 1, v. 9, no. 9, p. 23–37.) Np.

Sumter, S. C. Chamber of Commerce. The Sumter "city manager" plan of municipal government. 1913. 12 p. Cm.

Thompson, Carl D. A municipal program. 1913. 4 p. Cm; Cs.

Issued by the National Office of the Socialist Party, 205 West Washington Street, Chicago, Ill.

Toledo, O. Manual of the council and the municipal government of the city of Toledo, Ohio. 1913. Sp.

Wisconsin Woman's Suffrage Association. Social forces; a topical outline with bibliography. 1913. 83 p. 8°. Cp; Cs; Np.

Voter's League, Pittsburgh, Pa. Bulletin concerning candidates for Mayor and Council to be elected on a non-partisan ballot at the regular election, Tuesday, November 4, 1913. Issued by authority of the executive committee, October 25, 1913. 4 p. 4°. Cc.

Accounting

Collins, Arthur. A municipal internal audit. ed. 2. London, 1913. 3 p. l., 169 p. 8°. Np.

This handbook presents a full description of an audit of the departmental receipts of a municipality, for the use of accountants generally, and is specially designed to assist students in their preparation for the examinations of the Institute of Municipal Treasurers and Accountants (incorporated), for whose examinations it is officially recommended as a text book. The methods advocated are based on systems in operation in the leading municipalities in the Kingdom. Mr. Collins is deputy treasurer of Birmingham, England. The price of the book is 4 shillings.

New York City. Municipal reference library. Bulletin, September, 1913. List of books on accounting and budget making in the library. **Np.**

Art Commissions

New York City. Annual report of the art commission for the year 1912 containing the proceedings of the first national conference of art commissions. 1913. 68 p. 4°. **Cm; Cs; Np.**

At the time of the conference there were ten municipal art commissions in existence in the United States, viz., Baltimore, Boston, Denver, District of Columbia, Los Angeles, Milwaukee, Mount Vernon, N. Y., New Haven, Philadelphia and Pittsburgh.

Eight of these commissions were represented at the conference, and, in addition, there were representatives present of the Federal Art Commission, the Massachusetts State Art Commission, the Connecticut Commission on Capitol Sculpture and the St. Louis Civic League's Committee on Sculpture. Reference may, not inopportunely, be made here to the recently organized Art Commission of Salt Lake City.

Budget

Cleveland, O. Department of finance. Budget request for 1914. 5 p. **Cm.**

—— Standard code classification of expenditures, January 1, 1914. 40 p. **Cm.**

Los Angeles, Calif. Resolutions and ordinances adopting the budget for the fiscal year ending June 30, 1914. Typewritten. **Np.**

Resolution no. 1. Making and establishing a budget of the estimated amount of money required to pay expenses of conducting the business of the city government. 3 folios.

Resolution no. 2. Providing for appropriation and apportionment of certain public moneys. 6 folios.

Resolution no. 3. Making and establishing a budget of the estimated amount of money required for the payment of the principal and interest of sinking funds and bonded indebtedness. 3 folios.

Ordinance no. 28, 174, n.s. Fixing the tax levy for municipal purposes. 7 folios.

The budget of Los Angeles is not printed. Mr. J. H. Fountain, clerk of the budget committee, under date of September 10, 1913, writes: "In another year I am in hopes to have the budget printed both before and after adoption."

New York City. Committee on budgetary publicity of the board of estimate and apportionment. Budget news bulletin. 1913 no. 1–6. 8°. **Np.**

These budget news bulletins are issued as soon as departmental estimates can be examined and tabulations made therefrom. More complete estimates are printed in the City Record.

Norfolk, Va. Budget for 1913–14. 12 p. f°. **Cp; Np.**

—— Report of the finance committee transmitting the budget ordinances for the fiscal year ending June 30, 1914. 10 p. 8°. **Cp; Np.**

An ordinance making appropriations for the fiscal year beginning July 1, 1913. 9 p. 8°.

An ordinance imposing taxes on property, persons and licenses for the payment of interest on the city debt and to meet the general appropriations for the year beginning July 1, 1913. 55 p. 8°.

Philadelphia, Pa. Budget statement of the city controller for 1914. October 1, 1913. 41 p. 4°. **Np.**

Building Construction

Cleveland, O. Ordinance no. 29798 to amend and supplement section 196 of the revised ordinances of 1907, covering the heating and ventilating section of the building code. Approved July 19, 1913. As amended by ordinance no. 30702 approved October 14, 1913. 29 p. 12°. **Np.**

Cologne, Germany. Bauordnung für den Stadtkreis Cöln. 1913. 91 p. 8°. **Cm.**

New York City. Committee on buildings of the board of aldermen. Proposed building code for the city of New York 1913. 74 p. 8°. **Np.**

The Herbst code. It did not become a law.

Syracuse, N. Y. The building code of the City of Syracuse, as amended to January 1, 1913, with excerpts from the general laws and separate statutes of the state, etc. 202 p. 8°. **Cm; Np.**

Charters and Ordinances

Ordinances on special subjects, as for instance, building ordinances are entered under the respective subjects.

Berlin, Germany. Berliner Gemeinderecht. ed. 2. v. 3, Schulverwaltung. Abteilung 1. Volksschulen, Taubstummen- und Blindenschule. 1913. vii, 225 p. 8°.

—— Same. v. 10. Gaswerke und Elektrizitätsangelegenheiten. 1913. viii, 282 p. 8°.

Price, $1 the volume. No other volumes of edition 2 have been issued.

Cedar Rapids, Ia. Ordinances. The municipal code of Cedar Rapids, Iowa, 1913. 416. **Cm.**

Duluth, Minn. Charter and housing code of the City of Duluth. Approved May 21, 1913. 71 p. 8°. **Np.**

Referred to in Housing Betterment v. 2, no. 2, p. 13, as follows: "Duluth became one of the leaders among American cities by the enactment of a housing code similar to that of Columbus, Ohio."

Minneapolis, Minn. The charter of the city of Minneapolis. Prepared and proposed by the board of freeholders. 1913. 118 p. 8°. **Np.**

Tacoma, Wash. Charter and general ordinances of the city of Tacoma in force, June 1, 1913, with index digest of obsolete and repealed ordinances since the revision of 1905. 1913. 579 p. 8°. **Cm; Cs.**

Worcester, Mass. Official Worcester building ordinances, also plumbing, sewer, water and supervision of wires ordinances relating to building in the city of Worcester, Mass. Massachusetts laws relating to elevator, fire escapes, fire protection and construction of buildings. Scale of architects' charges. Compiled under the supervision of inspectors and commissioners 1913–14 by A. W. Harris. Providence, 1913. 179 p. illus. 8°.

Includes advertising matter. Sold at $2 the copy.

City Planning

Baltimore, Md. Mayor. Mayor Preston's borough plan for a bigger Baltimore. October, 1913. (Municipal Journal. Baltimore, v. 1, no. 20, p. 1–5.) **Np.**

A plan of the proposed borough system appears on p. 7.

Burgess, John W. Address made on the invitation and at the request of the Newport Improvement Association. September 5, 1913. 24 p. 8°. **Np.**

On municipal government in general and as it has been fashioned and is fashioning itself in Newport in particular.

Cleveland, O. Manufacturers' Appraisal Company. Report on proposed Carnegie Avenue extensions, Cleveland, O. 35 p. 8°. **Np.**

Address: Manufacturers' Appraisal Company, Commercial Bank Building, Cleveland, Ohio.

Ford, George B., and E. P. Goodrich. Report of suggested plan of procedure for the village of Dobbs Ferry, New York. August 26, 1913. New York, 1913. 68 folios, 1 plan. 4°.

Typewritten copy only seen. Prepared for a citizens' committee of Dobbs Ferry, N. Y.

New York City. Down town Brooklyn. A report to the comptroller of the city of New York on sites for public buildings and the relocation of the elevated railroad tracks now in lower Fulton street, Borough of Brooklyn. Brooklyn, 1913. 40 p. illus. 8°. **Cp; Np.**

New York Public Library. Select list of works relating to city planning and allied topics. November, 1913. 35 p. 8°. **Np.**

Prepared on the occasion of the city planning exhibition held in the New York Public Library under the auspices of the board of estimate and apportionment of the city.

—— Advisory commission to the committee of the board of estimate and apportionment on the height, size and arrangement of buildings. Report.

The report is not yet published, but in all probability it will be before the next issue of this Bibliography. By special courtesy the compiler is enabled to offer an approximate description of the volume. There are to be five chapters, viz: I, Introduction; II, Methods of control (uniform regulations for all buildings, regulations varying with the class of buildings), do. with the particular district, general scope of constitutional regulation, regulations based on width of street, do. on maintenance of a minimum angle of light; III, High buildings; IV, Districting—American cities (Boston, Baltimore, Indianapolis and Washington), residential and industrial districts in American cities—Baltimore, Los Angeles, Wisconsin, Minnesota, New York, Massachusetts, Seattle, districting in German cities; V, Conclusions.

A series of special reports will make up the appendices, viz: Districting in German cities, by F. B. Williams. English and Swedish town planning acts, by H. S. Swan. Regulations in Boston, Washington, Los Angeles, London and Paris, by H. S. Swan. Present regulations relative to height, size and arrangement of buildings in New York City, by H. S. Swan. Charts.

OLMSTED, FREDERICK LAW. Proposed improvements for Newport. A report prepared for the Newport Improvement Association. 1913. 54 p. illus. 4°. **Np.**

SUBURBAN PLANNING ASSOCIATION. The art of choosing your neighbor; does it interest you? Philadelphia, 1913. 5 p. illus. **Cp; Np.**

STÄDTEAUSSTELLUNG ZU DÜSSELDORF, 1912. Sonder-Katalog, für die Gruppe Städtebau. Düsseldorf, 1913. 139 p. illus. 8°. **Np.**

Civic Associations

CITY CLUB OF BALTIMORE. Handbook of the City Club of Baltimore. October 1, 1913. **Sp.**

CHICAGO ASSOCIATION OF COMMERCE. Chicago Commerce. Weekly. Vol. 9, no. 9–30. July 3–Nov. 28, 1913. v. p. 4°. **Cm; Cp; Np.**

Published at 10 South La Salle Street; sold at $1 per year. Full of local civic news. Among the more important general articles are the following: Chicago's superb playground system and its service in the making of citizenship (illus)., September 5, p. 17-23. Speeches at the public hearing on the public safety, i.e., traffic problem (illus.), September 12, p. 7–18. Report on taxicab rates as studied by the local Committee of the Association, November 21, p. 19–20.

CITY CLUB OF BERKELEY; Berkeley, Calif. Berkeley Civic Bulletin. Monthly Vol. 2, no. 1–4. August–November, 1914. 8°. **Cm; Np.**

No. 1. August. Coöperative industrial education. 16 p.

No. 2. September. Municipal efficiency. p. 17–32.

No. 3. October. Proposed acquisition of the Oakland and San Francisco Terminal railways by a metropolitan public utilities district. p. 33–48.

No. 4. Physical condition of the Berkeley school, p. 49–64.

CITY CLUB OF CHICAGO. Bulletin. Vol. 6, no. 11–14. July–November. 8°. **Cc; Cm; Cp; Cs; Np.**

No. 11. July 23. p. 215–238. Pages 215–220, The railway terminal problem in Chicago. Pages 221–228, The nature of money. Address by A. M. Inness. Pages 229–238, The noise problem in Chicago. Address by Dr. W. O. Nance.

No. 12. September 8. p. 239–265. Pages 239–250, The Illinois public utilities bill. Discussion by Senator J. Dailey and Prof. E. W. Bemis. Pages 250–265, Modern improvements in street lighting: lighting of the national capitol, by W. C. Allen. Street lighting in Chicago, by R. Palmer. Gas street lighting in modern cities, by F. V. Westermaier.

No. 13. November 12. p. 267–289. Pages 267–276, Public safety (i.e., violence and traffic); discussion. Pages 276–282, Fire prevention; discussion. Pages 282–287, Dangers and defects in workings of American democracy, by F. Adler. Pages 287–289, Historical pageants in America; by W. C. Langbon.

No. 14. November 29. p. 291–306. Pages 291–298, Administration of the U. S. immigration laws; by L. F. Post. Pages 298–306, Should the Chicago aldermanic elections next spring be non-partisan? discussion.

CITY CLUB OF NEW YORK. Bulletin Monthly. July–December. 4 pages each number. 4°. **Np.**

CIVIC CLUB OF PHILADELPHIA. Nineteenth annual report, 1913. 128 p. 8°.

More than an annual report. It might well serve as a text-book on municipal betterment. Splendid proof of an organization living up to its motto: "Higher public spirit. Better social order."

COMMONWEALTH CLUB OF CALIFORNIA. Transactions, vol. 8, no. 8–9. September 1913. p. 431–521. 8°. **Cp; Np.**

No. 8. Land transfers. p. 431–475.

No. 9. Smoke problems in California. p. 477–521. illus.

MUNICIPAL GOVERNMENT ASSOCIATION OF NEW YORK STATE. Home Rule Advocate. Vol. 1, No. 3. October, 1913. 8 p. 8°. **Np.**

Canvass of prospective law-makers on three proposals, viz., optional city charter law, constitutional amendments permitting cities to frame and adopt their own charters, and a non-partisan municipal elections act.

Municipal League of Los Angeles. Efficiency in Los Angeles city government. 1913. 11 p. 8°. **Cs.**

Tax Association of Alameda County, Calif. Bulletin: Monthly. No. 8. October, 1913. 8°. **Cm; Np.**

No. 8. Where does your money go? 4 p. Table 1 showing approximate distribution of each $100 collected in taxes or other revenue by the city of Eakland, and a chart of comparative tax rates, 1880–1913.

—— Reports. No. 10. October, 1913. In 2 parts viz., A and B. 8°.

A. Analysis of costs and possible savings in elections of 1910 in Alameda County. October, 1913. 19 p. 8°. A similar report on the elections of 1912 is announced. **Cc; Cm; Cp; Cs; Np; Sp.**

B. Analysis of costs and possible savings in elections of 1912 in Alameda County. October, 1913. 23 p. 8°. **Cc; Cm; Cp; Cs; Np; Sp.**

Woman's City Club of Chicago. Bulletin. Vol. 2, No. 1–3. November 1, 1913. 8°. **Cc; Cm; Cp; Cs.**

No. 1. The larger housekeeping. 4 p.
No. 2. Not seen.
No. 3. A suggested solution of the garbage problem. 4 p.

Civil Service

Cook County, Ill. Civil Service laws and rules. Chicago, 1913. 51 p. **Cc.**

Courts

Kansas City, Mo. First Annual report of division No. 2 of the municipal court of Kansas city. 1912–13. 1913. 34 p. illus. 8°. **Np.**

The set of rules promulgated by this court, and which are an innovation in police court practice, are made a part of the report.

Electoral Reform

Hoag, C. G. Effective voting. An explantion of the ballot reforms usually known as "preferential voting" and "proportional representation." July, 1913. 21 p. **Np.**

U. S. 63d congress, first session, senate document 142.

Tax Association of Alameda County, Calif. Report No. 10. October, 1913. A. Anaylsis of costs and possible savings in elections of 1910 in Alameda Co. 19 p. B. Analysis of costs and possible savings in elections of 1912 in Alameda Co. 23 p. 8°. **Cc; Cm; Cp; Cs; Np; Sp.**

Explosives

New York City. Municipal Explosives Commission. (Report submitting proposed regulations to the committee on Laws and Legislation of the Board of Aldermen to further greater security to lives and property.) (New York City. City Record, November 13, 1913, p. 10422, 10424, 10477–10478.) **Np.**

Finance

Cleveland, O. First general ledger report of the city auditor. January 1, 1913. 89 p. 4°. **Cc; Cm; Mp.**

Seattle, Wash. Memorandum financial statement of the city. August 1, 1913. 2 leaves. 4°. **Np.**

Published by the comptroller.

Garbage Disposal

Woman's City Club of Chicago. A suggested solution of the garbage problem. 4 p. 8°. (Bulletin Vol. 2, no. 3, November 1, 1913.) **Cc; Cm; Cp; Cs.**

Grade Crossings

Philadelphia, Pa. South Philadelphia. The abolishment of grade crossings and the creation of opportunities for commercial and industrial development. Department of public works, Philadelphia, 1913. 72 p. illus., 1 map. 8°. **Np; Sp.**

Housing

Amsterdam, Netherlands. Conseil des Habitations à Amsterdam. L'amélioration du logement à Amsterdam.

1913. 135 p. illus., 4 folding plans 12°. **Cm; Np.**

Address: Bureau van Statistiek, Amsterdam. Price, fl. 0, 50.

CAMBRIDGE, MASS. Housing Association. First report. Housing conditions in Cambridge. 1913. 30 p., 1 leaf. illus. 8°. **Cp; Cs; Np.**

DISTRICT OF COLUMBIA. Letter from the president of the board of commissioners of the District of Columbia transmitting a statement of the names, residences, and occupations of persons owning and renting houses or rooms within the so-called "inhabited alleys" of the District. July, 1913. 42 p. 8°. **Np.**

U. S., 63d cong., first session, senate document 120.

DÜSSELDORF, GERMANY. Die Kleinwohnungen der Stadt Düsseldorf an der Essenerstrasse. Erbaut August 1912–13. 19 p. 10 plates, 4 p., 4 folded plates. 8°. **Np.**

GREAT BRITAIN. Local Government board. Forty-second annual report 1912–13. Part 2. Housing and Town-Planning. lxxii, 67 p. 8°. **Np.**

Price 7d. This is the first issue, in separate form, of the local government board's report on the administration of the housing of the working classes and town planning acts. The report records, with considerable detail, the administration of the Housing Acts 1890 to 1909 and of part 2 of the housing and town planning, etc. Act of 1909, for the year ending March 31, 1913. There is probably no better practical source of information as to the actual carrying out of the respective acts referred to.

—— Census of England and Wales. 1911. Vol. 8. Tenements in administrative counties and urban and rural districts. 1913. xxiv, 667 p. f°. **Np.**

Price 5s. 6d. Address: Census office, Millbank, London, S. W.

MASSACHUSETTS. Homestead commission. First city and town planning conference. Called by Governor Foss at the suggestion of the homestead commission, Boston Chamber of Commerce coöperating as host. 1913. 4 p. folder. **Np.**

The conference was held in the State House, November 18 and 19, 1913.

NEWBURGH, N. Y. Housing investigation, Newburgh, N. Y. April 1913. 4 leaves. illus. 8°. **Cm; Cp; Cs; Np.**

Made by Newburgh Associated Charities for the social survey conducted by the Russell Sage Foundation. Amy Woods, Investigator.

VEILLER, LAWRENCE. Room-overcrowding in the United States September 1913. 23 p. 8°. **Cc; Cs; Np.**

National Housing Association Publications, no. 23. Printed for the tenth International Housing Congress at the Hague, Holland, September, 1913.

VIVIAN, HENRY. Copartnership in housing. A paper read before the British Constitution Association at the Hempstead Garden Suburb, October 29, 1913. London, 1913. 12 p. 8°. **Cc.**

Insurance

AIX-LA-CHAPELLE, GERMANY. Ordinances. Satzung der allgemeinen Ortskrankenkasse für den Stadtkreis Aachen in Aachen. 1913. 47 p. 8°. **Cm; Np.**

Libraries

WISCONSIN. Free library commission. New types of small library buildings. August, 1913. 88 p. illus. 4°. **Np.**

Liquor Traffic

DISTRICT OF COLUMBIA. Excise liquor law . . . . and rules and regulations adopted by the excise board. 1913. 20 p. **Cm.**

Markets

CHICAGO, ILL. Woman's City Club. Food and Markets Committee. Reduce the cost of living; form a group in your own neighborhood and buy by wholesale. 1913. 6 p. 8°. **Cm; Cs.**

—— —— Notice to city housewives. 1913. 1 p. 8°. **Cm; Cs.**

KOELSCH, C. A. Modern methods of food distribution; address by Carl A. Koelsch, president Washington Market Merchants Association (New York City), member advisory committee mayor's market commission before mayor's market commission. 1913. 8 p. **Cm.**

MILLER, C. C. What the city can do to reduce the cost of living; an address delivered at Binghamton, N. Y., on June 6, 1913, before the conference of mayors and other city officials of the state of New York, by Hon. Cyrus C. Miller, president of the borough of the Bronx and chairman of the mayor's market commission of the city of New York. 1913. 15 p. **Cm.**

Motion Pictures

KANSAS CITY, MO. An ordinance (no. 15883) prohibiting the exhibition of obscene or immoral pictures and regulating the exhibition of moving pictures. Approved June 6, 1913. obl. folio slip. **Np; Sp.**

NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES. The standards of the board. 1913. 23 p. 8°. **Np.**

—— Report of the board. 1913. 17 p. 8°. **Np.**

—— Standards of judgment of the board. 1913. 4 leaves. 8°. **Np.**

Address: 50 Madison Avenue, New York City.

This board was organized in March, 1909, by the People's Institute of New York City, at the request of the theatres exhibiting motion pictures in New York. The scope of the work became national in June, 1909, at the request of the manufacturers of motion picture films.

ST. LOUIS, MO. Text of proposed motion picture censorship ordinance, together with digest of censorship regulations in various cities prepared by A. L. Bostwick, municipal reference librarian, St. Louis Public Library. 1913. **Sp.**

A limited number of copies available for distribution by the municipal reference librarian, 206 City Hall.

Municipal Ownership

COX, THOMAS. Report on the municipal auditorium of the City of Oakland. Cal., made for the Tax Association of Alameda County at the request of the Progress and Prosperity Committee of the Oakland Chamber of Commerce. October, 1913. 15 p. 8°. **Cc; Cm; Cp; Ss; Np.**

Published as the Tax Association's Report, no. 11.

ST. PAUL, MINN. Report of subcommittee appointed on April 17, 1913, to obtain information relative to cost of harvesting, storing and distributing ice. July 2, 1913. 8 folios. **Cm; Np.**

The report is made to Mayor Keller and is signed by the commissioner of public works and the general superintendent, water department.

Typewritten.

Municipal Reference Libraries

CHICAGO, ILL. Municipal reference library anti-noise ordinances of various cities, compiled for the committee on health of the Chicago city council. 1913. 43 p. **Cm.**

Typewritten. The Chicago Municipal Reference Library is a branch of the Chicago Public Library, and occupies Room 1005, in the City Hall.

—— Rates of fare of public motor vehicles in fifteen large cities. 1914. 6 p. **Cc; Cm; Sp.**

—— Statistics showing total number of deaths from automobile accidents in cities having a population of 100,000 or over in 1910; for years 1907–1912 with percentage in increase in total for years 1912 over 1907. 1913. 1 p. **Cm.**

Typewritten.

—— Annual cost of communication in the city of Chicago. 1913. 1 p. **Cm.**

MILWAUKEE, WIS. Municipal Reference Library. Schedule of salaries, hours, vacations and cost of uniforms of patrolmen in various cities. 1913. 10 p. **Cm.**

Typewritten.

NEW YORK CITY. Municipal Reference Library. Bulletins. 1913. **Cp; Np.**

August. Magazines and newspapers on file.

September. List of books on accounting and budget making in the Library.

October. Text-books and other material on water supply and water works.

ST. LOUIS, MO. Municipal reference library. Excess condemnation. Laws of Massachusetts, Ohio, Connecticut, New York, Maryland etc. (Municipal Journal. October 2, 1913, p. 464.)

—— Regulation of offensive trades. (Ibid; September 18, 1913, p. 380.)

See also above under Motion Pictures.

University of California. Bureau of municipal reference. Bulletin 1. Preliminary announcement of the bureau. 1913–14. 4 leaves. 8°. **Np.**

Municipal Research Bureaus

Cincinnati, O. Municipal Research bureau. Schools as social centers; summary of Superintendent Condon's report to the committee on social centers of the Cincinnati board of education. 1913. 6 p. **Cm.**

—— Average in the Cincinnati elementary day schools; a preliminary analysis. August, 1913. 10 p. tables. **Cp; Cs.**

Prepared in coöperation with the Ohio state school survey commission.

Dayton, O. Bureau of municipal research. Government by deficit. No. 1–3. October–November, 1913. 8°. **Np.**

No. 1. Why the new charter should be adopted. City deficits. [4 p.]

No. 2. Same title. City debt. [4 p.]

No. 3. Same title. Standard salaries. [4 p.]

—— Health bulletin. No. 1.–8. October–November, 1913. 12°. folders. **Cm; Np; Sp.**

No. 1. Does your city enjoy poor health?

No. 2. What the health department costs—in money, in health.

No. 3. Are you interested in the July hump? Relates to infant mortality in month of July.

No. 4. Are communicable diseases avoidable, controllable, preventable?

No. 5. Do you care what kind of food you eat?

No. 6. Why is a death rate?

No. 7. Shall it be only a program or a program plus funds? Concerning public health campaigns. Has a table showing per capita expenditures for health work by 8 American cities and Dayton.

No. 8. Where there's a will there's a way (to promote the health service).

Milwaukee, Wis. Bureau of municipal research. Standardization of salaries of the city. November 4, 1913. 96 p., 11 folding tables. 8°. **Np.**

New York City. Bureau of municipal research. Municipal research. To promote the application of scientific principles to government (weekly). August 23–November 29, 1913. No. 5–19. 8°. **Cp; Np.**

No Matter Who is Elected Series, no. 14–25.

No. 5. August 23. Democratic platform promises of economy and efficiency in spending city money. 5 p. (no 14.)

No. 6. August 30. Specific statements in the democratic platform about home rule and city debt. 4 p. (no. 15.)

No. 7. September 6. Public spirit in Greater New York and the City Economy League's specific platform demands. 4 p. (no. 16.)

No. 8. September 13. Eight important administrative undertakings begun by Mayor Gaynor in the summer of 1913. 5 p. (no. 17.)

No. 9. September 20. Elective city officials and New York's educational system. 8 p. (no. 18.)

No. 10. September 27. Father Knickerbocker breaking his own laws. City markets insanitary. 4 p. (no. 19.)

No. 11. October 4. Relation of the recently announced $168,000,000 increase in assessed valuation of real estate to the city budget. 1 l. (no. 20.)

No. 12. October 11. Keeping public property public. Restoring to the city miles of city beach, miles of city sidewalks, miles of city vaults. illus. 6 p. (no. 21.)

No. 13. October 18. No one should vote twice and no ineligible should vote once. 8 p. (no. 22.)

No. 14. Not seen.

No. 15. November 1. Budget reminders and remainders. 4 p. (no. 24.)

No. 16. November 8. City debt questions. 16 p. (no. 25.)

No Matter Who Was Elected Series, no. 1–3.

No. 17. November 15. Help your city by complaints and suggestions. 4 p. (no. 1.)

No. 18. November 22. Citizen coöperation requested in putting New York state on an efficiency and economy basis. 4 p. (no. 2.)

No. 19. November 29. Closed specifications create monopoly of city's business. 4 p. (no. 3.)

—— Efficient citizenship. To promote the application of scientific principles to government. Weekly. August 6–November 26, 1913. No. 639–655. 12°. **Cp; Np; Sp.**

No. 639. Food and fire dangers, etc. 4 p.

No. 640. In selecting a school administrator, president of university, college or normal school, state commissioner or city superintendent—shall the first question be, Who's the man? or What's the job? 4 p.

No. 641. The national government is investigating food conditions on Ellis Island. 6 p.

No. 642. Food inspection for protection. 4 p.

No. 643. A fact-using program for every board of education. 4 p.

No. 644. New school possibilities. 5 p.

No. 645. A help-the-school program for the best paper in your city. 4 p.

No. 646. City survey in Reading and Milwaukee. 4 p.

No. 647. Twelve next steps suggested to protect Ellis Island food conditions. 4 p.

No. 648. What part of the truth may the nation know about Ellis Island food? 6 p.

No. 649. Do your schools teach your city? 4 p.

No. 650. Do cities want fact-supported or unsupported judgments on school needs? 4 p.

No. 651. Would you be willing to transfer your account from your bank to your city? 4 p.

No. 652. Supremacy and fusing power of provable, recorded facts about public business. 4 p.

No. 653. Job fitness vs. political fitness. 4 p.

No. 654. 60 words do the work of 900 in new indictment for murder. 4 p.

No. 655. Teaching the home city in the public schools. 4 p.

Negro

BALTIMORE, MD. Ordinances. Segregation ordinance. Ordinance No. 339. Approved September 25, 1913. (Baltimore Municipal Journal October 10, 1913, p. 12.) **Np; Sp.**

Measure passed by the municipal council to prevent white and colored people from living in the same blocks. A supplementary ordinance, passed November 8, is printed on p. 8 of the November 7 issue of the Journal. Ordinance no. 339 is the third negro segregation ordinance adopted in Baltimore. Introduced after the decision of the Court of Appeals which upheld the city's right to enact such a law while declaring the "West" ordinance, the second one adopted, to be defective, it is supposed to be a regulation that will stand the test of the courts. The full text of the decision referred to, written by Judge Constable, is printed in the October 24 issue of the Journal.

JUVENILE PROTECTIVE ASSOCIATION, Chicago, Ill. Colored people of Chicago. An investigation made for the Juvenile Protective Association, Chicago 1913. 30 p. 8°. **Cs; Np.**

Noise Abatement

CHICAGO, ILL. Municipal reference library. Anti-noise ordinances of various cities compiled for the committee on health of the Chicago city council. 1913. 43 p. **Cm.**

Typewritten address, Chicago public library, 1005 City Hall.

NANCE, WILLIS O. The noise problem in Chicago. 1913. (City Club of Chicago. Bulletin July 23, 1913. p. 229–238.)

Dr. Nance is chairman of the city council committee on public health.

VIENNA, AUSTRIA. Proclamation in regard to the regulation of unnecessary noise. 1913. 2 p. **Cm.**

Parks and Playgrounds

CHICAGO ASSOCIATION OF COMMERCE, Chicago. Commerce, September 5, p. 17–23. Chicago's superb playground system and its service in the making of citizenship. **Cm; Cp; Np.**

GREAT BRITAIN. Board of education. Educational pamphlets. No. 27. 1913. 8°.

No. 27. The playground movement in America and its relation to public education. 52 p; 1 chart. Price 4d.

Pensions

CHICAGO, ILL. Police pension fund. n.d. 30 p. **Cm.**

DISTRICT OF COLUMBIA. Police and firemen's pension fund. Letter from the commissioners of the District transmitting information relative to the names and employment of all persons borne on the police and firemen's pension rolls of the District. 1913. 85 p. **Cp; Np; Sp.**

U. S., 63 congress, first session, Senate doc. 10.

Police

MILWAUKEE, WIS. Municipal reference library. Schedule of salaries, hours, vacations and cost of uniforms of patrolmen in various cities. 1913. 10 p. 8°. **Cm.**

Typewritten.

NEW YORK CITY. Police department investigation committee ("Curran committee"). Stenographer's minutes of the special committee of the board of aldermen appointed to investigate the city's police department. 1912. 4821 p. 4°. **Np.**

This is the testimony referred to in the July, 1913, instalment of this Bibliography (NATIONAL MUNICIPAL REVIEW, July, 1913, p. 552). It was there stated that copies were being held at $95 the set. They can now be obtained at $30.

Osborne, John Ball. Competitive tests of police dogs. Daily consular and trade reports, October 17, 1913. P. 320. **Np.**

Mr. Osborne is United States consul for Havre, France. The tests reported are those to which dogs entered in a competition held on August 10, 1913, under the auspices of the Club Normand du Chien Pratique, at Sanvic, a suburb of Havre.

Philadelphia, Pa. Department of public safety. Patrolman's manual. 1913. 231 p. **Cp.**

Port Development

Bremen, Germany. Statistisches Amt. Bremer Handelsgeschichte im 19. Jahrhundert. Bremer Handelsstatistik von dem Beginn der öffentlichen administrativen Statistik in der ersten Hälfte des 19. Jahrhunderts. Von Dr. Friedrich Rauers. 1913. 62, 126 p. 3 folding maps. 8°. **Np.**

With a supplement, Frachtenstatistik des Binnenverkehrs 1770–1910 und Auswandererfahrgelder.

The time is probably not far distant when the commercial history of the great American ports will engage the attention of the recording student body. In that event such scholarly work as that of Dr. Rauers might well serve as a model. Dr. Rauers confines his labors to a study of the important port of Bremen, and the title here cited is but one of many attributed to this industrious worker.

Guestier, Daniel. L'Extension du port de Bordeaux. 1913. 10 p., 1 leaf, 1 folding map. 4°. **Np.**

Paper read at the Fourth Congrès National des Travaux Publics Français, held in Paris in November, 1912. M. Guestier is President of the Bordeaux Chamber of Commerce.

Krause, Friedrich. Der Osthafen zu Berlin. Im Auftrage des magistrats herausgegeben von Friedrich Krause, Geheimer Baurat, Stadtbaurat für den Tiefbau. Berlin, 1913. 119 p., 18 half tone page plates, 28 folding drawings. f°. **Np.**

A very beautiful and very useful volume. Relates to the physical reconstruction of this port. A copy may be imported for about $6.50.

Liverpool, England. Offices of the Mersey docks and harbour board. The port of Liverpool, its rise and progress. ed. 2. 1913. 120 p., illus., 3 folding maps. 8°. **Np.**

Seattle, Wash. Port of Seattle commission. Bulletin no. 3. The port district act and other laws affecting the port of Seattle. May 1, 1913. 48p. obl. 8°. **Np.**

Public Buildings

New York County. Court house board. Competition for the New York Court House. 1913. Edited by authority of the court house board. vi p. 88 plates. f°. **Np.**

Published by Architectural Book Publishing Company, 31 E. Twelfth street, New York City. Price, $18.

Public Health

Chicago, Ill. Ordinances. Supplement to sanitary code, City of Chicago, 1911, containing ordinances and amendments thereto, passed during the period January, 1912, to August 29, 1913. 1913. 2 pts. **Cm.**

Denver, Col. Department of health. Manual of the department of health. September 1, 1913. 93 p. **Cm.**

Lawrence, Mass. First annual report of the director of the department of public health and charities for the year ending December 31, 1912. 375 p. 8°. **Np.**

The first report under the charter of June 30, 1911, comprising the thirty fifth annual report of the board of health and the first report of the department of charities. The director of the new department is Robert S. Maloney and the record of accomplishment submitted by him is most impressive. The constructive activities of the department cover housing, school nursing, medical inspection of schools, milk inspection, a municipal hospital, an annual clean up week, a municipal grocery store, etc.

New York City. Department of health. The contagious disease hospitals of New York City. By Robert J. Wilson. September, 1913. (Monthly Bulletin, v. 3, no. 9, p. 187–206. Reprint series. No. 9.) **Np.**

Historical outline.

—— —— Reprint series. No. 6–10. May–October, 1913. v. p. 8°. **Np.**

No. 6. See under Social Evil.

No. 7. H. M. Biggs. The municipal sanatorium at Otisville. June, 1913. 23 p.

No. 8. H. M. Biggs and C. F. Bolduan. The tuberculosis campaign; its influence on the methods of public health generally. August, 1913. 12 p.

No. 9. See preceding entry.

No. 10. E. J. Lederle. The function of municipal authorities in the control and management of food supplies. October, 1913. p. 1006–1016. Read before the American Public Health Association, September 9, 1913.

Public Utilities

Arnold, Bion J. Report on the rearrangement and development of the steam railroad terminals of the city of Chicago. Submitted to the Citizens' Terminal Plan Committee, November 18, 1913. Chicago, 1913. 237 p. 8 pls. 8°. Cc.

—— Report on the value of the properties of the Metropolitan Street Railway System of Kansas City, Mo. Vol. 1. 1913. 226 p. 8°. Cm.

Ash, L. R. and P. J. Kealy. Report on the future earnings and expenditures of the Kansas City Railway Company and their application to the proposed franchise ordinance. September, 1913. 12 p. folding tables. 8°. Cm.

Published by the Arnold Company, 105 S. La Salle Street, Chicago.

Chicago, Ill. Committee on local transportation. Unified operation of surface lines. 1913. 2 p. 8°. Cm; Cp.

—— —— Communication of His Honor Mayor Harrison to the city council of the city of Chicago recommending submission of questions of alternative construction of subways to a referendum vote, June 30, 1913, and drafts of ordinances transmitted therewith. Ordinance for downtown subways to be leased to elevated railroads. Ordinance for a comprehensive independent system of rapid transit subways. Chicago, July 15, 1913. 39 p. 12°. Cc.

—— An ordinance authorizing unified operation of the surface street railways in the city of Chicago, and the operating agreement made a part of said ordinance; recommended for passage by the committee on local transportation, October 27, 1913. Report of sub-committee on unification of surface lines. Opinion of corporation counsel with reference to above-mentioned ordinance and other questions. 1913. 38 p. 12°. Cc.

—— An ordinance in relation to the construction, equipment, maintenance and operation of a comprehensive system of subways for passenger transportation in the city of Chicago. 1913. 31 p. 8°. Cp.

—— An ordinance fixing the maximum rates for telephone service. . . . . A statement prepared by Prof. Edward W. Bemis on telephone rates: An ordinance creating a Telephone Bureau. . . . . An ordinance amending the Chicago telephone ordinance of November 6, 1907, relative to nickel prepayment telephone service. . . . . 1913. 47 p. Cm.

City Club of Berkeley. Berkeley Civic Bulletin. Vol. 2, no. 3. October, 1913. The proposed acquisition of the Oakland and San Francisco Terminal Railways by a metropolitan public utilities district. p. 33–48. 8°. Np.

City Club of Chicago. The railway terminal problem of Chicago; a series of addresses before the City Club, June 3 to 10, 1913, dealing with the proposed reorganization of the railway terminals of Chicago. 1913. ix, 98 p., illus., folding plates. 8°. Cc; Cj; Cm; Cp; Cs; Np.

Commonwealth Edison Company, Chicago. Letter in behalf of the Commonwealth Edison Company to the committee on gas, oil and electric light of the City of Chicago concerning the report . . . . on the company's rates for supplying electricity. August 1913. 115 p. Cm.

Des Moines, Iowa. Draft of ordinance proposed by the city of Des Moines granting a franchise to the Des Moines City Railway Company fixing the terms and conditions of such grant, fixing rates of fare, regulating transfers and providing for rehabilitation. 1913. 40 p. 8°. Cm.

Kansas City, Mo. An ordinance authorizing and requiring the Kansas City

Railways Company to acquire certain existing street railway lines and property. 1913. 47 (1) p., 1 leaf. 8°. **Cm; Np.**

Submitted to a referendum vote of the people on 16th December, 1913.

National Municipal League. Report of the committee on franchises of the League. Submitted at the Conference for Good City Government held at Toronto, November 1913. 11 p. 8°. **Cm; Np.**

Municipal home rule in its relation to the control of public utilities; control and financing of extensions; duration of franchises; amortization of the investment out of earnings.

New York City. Board of estimate and apportionment. Bureau of franchises. Reports no. 123–125. 4°.

No. 123. Report upon the application of Manhattan Fire Alarm Co. for franchise to construct conductors in the streets of the entire city. October 25, 1913. 31 p. **Np.**

No. 124. Report upon application of Manhattan Bridge Three Cent line for an amendment to contract of 1912. October 27, 1913. 7 p; 1 chart. **Cm; Np.**

No. 125. Report upon investigation of motor bus operation in London and Paris made in July, 1913. November 15, 1913. 45 p. **Np.**

St. Louis, Mo. Public service commission. Report to the municipal assembly on the Southwestern Telegraph and Telephone Company (Missouri) formerly the Bell Telephone Company of Missouri. By James E. Allison, chief engineer. St. Louis, 1913. iv, 152 p. 8°. **Cj; Np.**

Springfield, O. Street railway franchise of the American Railways Company with the city of Springfield, O. Ordinance no. 1653. Approved April 2, 1913. 32 p. 12°. **Np.**

Tacoma, Wash. Ordinances. Franchise ordinances of the city of Tacoma, Washington, in force June 1, 1913. 396 p. 8°. **Cm.**

Wacker, Charles H. A statement by C. H. Wacker, chairman of the Chicago plan commission, in rebuttal of the statement made by the Union Station Company, through its attorney, to the council committee on railway terminals on June 9, 1913, submitted June 30. 29 p. 8°. **Cp.**

Wallace, John F. Report to the committee on railway terminals of the City Council of Chicago. October 20, 1913. 36 p. 4°. **Cc; Cm; Cp; Cs.**

Schools

Berlin, Germany. Die ersten fünf Jahre der Berliner Schulspeisung. Bericht im auftrage der Magistratskommission für die Schulspeisung erstattet von Stadtschulrat Dr. Fischer. 1913. 75 p. 8°. **Np.**

Boston, Mass. School committee. Report of the committee on instruction by means of pictures. 1913. 116 p. 8°. **Np.**

School document No. 6, 1913.

Buffalo, N. Y. Medical school inspection in Buffalo. Brief synopsis of work with illustrations of a few of the methods employed. 1913. 2 leaves. 20 plates. obl. 12°. **Np.**

Presented by the department of health to the Fourth International Congress on School Hygiene, held in Buffalo, August 25–30, 1913.

Cincinnati, O. How the University serves the city; some facts from the exhibit of the University of Cincinnati, municipal exhibit of the city of Cincinnati, October 1 to 15, 1913. 31 p. **Cm.**

City Club of Berkeley. Berkeley Civic Bulletin. Vol. 2, no. 4. November, 1913. The physical condition of the Berkeley schools. p. 49–64. 8°. **Np.**

Great Britain. Board of Education. Subject lists of books and papers in the board of education library. No. 1–2. 1913. 12°.

No. 1. School hygiene and physical education. XV, 251 p. Price 2s. 6d.

No. 2. Educational buildings and equipment. xv, 98 p. Price 1s.

These two lists are the first of a series which the Board of Education is preparing for publication. The library of the board is very extensive and was recently, upon its transfer from St. Stephen's House reclassified upon a modern basis. As far as possible the proposed lists will correspond to the classification scheme, although, to make each list as complete as possible, entries may be found in more than one list.

Entries include articles in encyclopedias, periodicals and even chapters in books, so that, in the case of the two first lists the contents fairly represent all the material in the Library at the close of the year 1912 on the respective subjects. These lists, together with those being issued by the United States bureau of education will, it would seem, be a tolerably complete survey of educational literature. The classification of list no. 1 is given here to show the usefulness of these lists as tools, viz., (*a*) school hygiene (medical inspection and treatment, anthropometry, school sanitation, sickness and the school, fatigue); (*b*) instruction in hygiene (hygiene and temperance, care of infants, texbooks); (*c*) physical education (systems of physical exercises, play, dancing, organized games, gymnastics, military drill and cadet corps); (*d*) open air schools (open air schools, vacation schools, holiday colonies); (*e*) school journeys; (*f*) feeding of children (school lunches, feeding of necessitous children).

OHIO STATE SCHOOL SURVEY COMMISSION AND CINCINNATI BUREAU OF MUNICIPAL RESEARCH. Over-age in the Cincinnati elementary day schools; a preliminary analysis. August, 1913. 10 p. tables. **Cp; Cs.**

SCHERESCHEWSKY, J. W. School hygiene; report of the meeting of the Fourth International Congress on School Hygiene, Buffalo, N. Y., August 25–30, 1913. 1913. p. 2031–2035. 8°. (U. S. Public Health Service. Public health reports. Reprint no 144.) **Cp; Np.**

—— Medical inspection of schools; a lecture delivered at the summer school of the South University of Tennessee, Knoxville, Tenn. 1913. p. 1791–1805. 8°. (U. S. Public Health Service. Public health reports. Reprint no. 142.) **Cp; Np.**

Sewage Disposal

"COLD-TOWER SYSTEM" OF SEWAGE DISPOSAL. Preliminary report on the "cold-tower system" of sewage disposal, translated from the French, by E. B. Stuart, general agent, 36 South Ashland Boulevard, Chicago. 1913. 4 p. **Cm.**

Typewritten.

FISHER, EDWIN A. Report on the sewage disposal system of Rochester, N. Y. April, 1913. 248 p., 35 page plates, 14 folding plates. 8°. **Cm; Cp; Np.**

Mr. Fisher is city engineer of Rochester, N. Y.

NEW JERSEY. Health Board. Data relating to sewage disposal plants in the state of New Jersey. Prepared by the Division of Foods, Drugs, Water and Sewerage. August, 1913. (Municipal Journal. October 9, 16, 1913. v. 35, p. 494, 525.) **Cc; Cm; Cp; Np.**

Sewers

CHICAGO, ILL. Board of local improvements. Sewerage; instructions to mason inspectors. 1913. 3 p. **Cm.**

Typewritten.

Sidewalks

FOLWELL, A. PRESCOTT. Control of sidewalks. (Municipal Journal. November 13, p. 666–668; November 20, p. 695–697.) **Cc; Cm; Cp; Np.**

Smoke Abatement

BENNER, RAYMOND C. and J. J. O'CONNOR, JR. The smoke nuisance; a question of conservation. 16 p. 8°. **Np.**

Reprinted from the Journal of Industrial and Engineering Chemistry, July 1913.

CLEVELAND, O. Smoke inspection department. Smoke abatement in Cleveland. 1913. 28 p. ✓

COMMONWEALTH CLUB OF CALIFORNIA. Smoke problems of California. September, 1913. p. 477–521, illus. 8°. **Np.**

Transactions, v. 8, no. 9.

MCCLELLAND, ELLWOOD H. Bibliography of smoke and smoke prevention. 1913. 164 p. 8°. **Np.** ✓

Published by the Mellon Institute of Industrial Research and School of Specific Industries, of the University of Pittsburgh, as its Smoke Investigation Bulletin 2.

O'CONNOR, JOHN. The history of the smoke nuisance and of smoke abatement in Pittsburgh. 1913. 2 leaves. f°. **Np.**

Reprinted from Industrial World, Pittsburgh, March 24, 1913.

—— The economic cost of the smoke nuisance to Pittsburgh. With bibliography. 1913. 46 p. **Np.** ✓

Mellon Institute of Industrial Research and School of Specific Studies. Smoke Investigation Bulletin No. 4.

Wallin, J. E. Wallace. Psychological aspects of the problem of atmospheric smoke pollution. With bibliography. 1913. 46 p. 8°. **Np.**

Mellon Institute of Industrial Research and School of Specific Studies. Smoke Investigation Bulletin No. 3.

Social Center

Childs, Clinton S. A year's experiment in social center organization. An account of the activities conducted in public school 63, Manhattan. 1913. 20 p., 1 leaf, illus. 8°. **Cp; Cs; Np.**

Under the auspices of the New York social center committee for the wider use of school properties. Address: 311 Madison Avenue, New York City.

Cincinnati, O. Bureau of municipal research. Schools as social centers; summary of Superintendent Condon's report to the committee on social centers of the Cincinnati board of education. 1913. 6 p. **Cm.**

Edwards, George H., Jr. The school as a social center. With bibliography. October, 1913. 73 p. 8°.

Published as Bulletin no. 35, part 2 of the University of South Carolina.

Social Evil

Biggs, H. M. Venereal diseases. The attitude of the department of health in relation thereto. May, 1913. 11 p. **Np.**

New York City. Health department. Reprint Series, No. 6. Reprinted from the New York Medical Journal for May 17, 1913.

Chicago, Ill. City council. Preliminary report of committee appointed October 14, 1913, to investigate the "social evil." 1913. 4 p. **Cm; Cp; Cs; Np.**

Johnstone, R. W. Report on venereal diseases, with an introduction by the medical officer of the local government board. 1913. iv, 29 p. 8°. **Np.**

Published by the local government board. Price 2½ d.

Landis, J. H. The social evil in relation to the health problem. (Ohio state board of health Monthly Bulletin. October 1913, p. 867–882.) **Np.**

—— Same, separate. **Sp.**

The author is health officer of the city of Cincinnati.

New York City. Department of health. The sanitary control of venereal diseases in New York. June, 1913. (Monthly Bulletin, v. 3, no. 6, p. 141–154.) **Np; Sp.**

Streets

Bartlett, H. E. The Bartlett system of street nomenclature an improved method of designating the streets and house numbers of cities. 1913. 10 p., chart. 12°. **Cm; Cp.**

1447 E. 66th Place, Chicago, Ill.

Chicago, Ill. Board of Local improvements. Instructions to sub-paving inspectors, 1913. 4 p.

Typewritten.

—— Ordinances. Clean street ordinance, wide tire ordinance, wheel tax ordinance, rules of the road and zone of quiet. n.d. 16 p. **Cm.**

Published by bureau of streets, dept. of public works, Chicago.

Chicago Association of Commerce. Flower boxes for Chicago; proposed by the committee on streets of the Chicago Association of Commerce. 1913. 9 p. **Cm; Cs.**

Cologne, Germany. Ortsstatut betreffend die polizeimässige Reinigung der öffentlichen Wege und Plätze der Stadtgemeinde Cöln. 1913. 3 p. **Cm.**

District of Columbia. Superintendent of Streets. Analysis of cost keeping as applied to municipal management of street cleaning. 1913. 7 p. **Cm.**

Typewritten.

—— —— Municipal versus contract street cleaning in Washington, D. C. 1913. 5 p. **Cp.**

Typewritten.

Morrison, Ben Y. Street and highway planting. 1913. 119 p., illus. 8°. **Np.**

California state board of forestry. Bulletin No. 4.

Supplies

Childs, William T. Municipal purchasing and storekeeping. (Municipal Journal. October 30, p. 591–592.) **Cc; Cm; Cp; Np.**

Mr. Childs is deputy city comptroller of Baltimore. He discusses in this article why municipalities should centralize in the matter of purchasing, the plan adopted by Baltimore and the results obtained in Sacramento.

Taxation

Manila, Philippine Islands. Report of the secretary of the municipal board on various forms of special or local assessment laws in force in some cities of the United States. 1913. 74 p. 8°. **Np; Sp.**

Mr. H. L. Fischer, the secretary making the report, visited the United States during March, April and May of 1913. During this time he studied the forms of local assessment obtaining in 12 of the principal cities. In an appendix there is a useful collection of extracts of the laws of these 12 cities on excess condemnation, assessment for purposes of paving, sidewalks, sewers, waterworks, parks and parkways, resp; as well as of those relating to bond issues and assessment of railroad properties.

Traffic

See also above under Civic Clubs the entry under Chicago Assn. of Commerce.

Berlin, Germany. Ordinances. Droschkenordnung für den Ortspolizeibezirk Berlin von 16. Februar, 1905, in der durch die Polizeiverordunungen bis zum 14. Januar 1913, abgeänderten Fassung. 1913. 64 p. **Cm.**

Preis 30 Pfennige.

Boston, Mass. Police commissioner. Seventh annual report, 1913. **Cm; Np.**

Includes traffic rules and crowded streets, p. 13–17; violations of the automobile law, p. 7–13.

Chicago, Ill. Municipal reference library, Chicago public library, 1005 City Hall. . . . . Rates of fare of public motor vehicles in fifteen large cities. 1913. 6 p. **Cc; Cm; Sp.**

—— —— Statistics showing total number of deaths from automobile accidents in cities having a population of 100,000 or over in 1910; for years 1907–1912, with percentage in increase in total for years 1912 over 1907. 1913. 1 p. **Cm.**

Typewritten.

—— Committee on local transportation. Recommendations of the board of supervising engineers on initial routes for surface line subways provided for in the 1907 traction ordinances, requested by and submitted to the committee on local transportation of the city council of the city of Chicago. October 29, 1913. 8 p., folding maps. **Cm.**

Great Britain. Select committee on motor traffic. Report together with the proceedings of the committee. London, 1913. xcii p. f°. **Cm; Np.**

Price 9d. the copy.

—— —— Evidence from the committee. London, 1913. 2 v. f°. **Np.**

Vol. 1. December 17, 1912–April 3, 1913. 480 p.
Vol. 2. April 18, 1913–July 18, 1913. p. . 481–1150.
Price, Vol. 1, 3 s. 6 d.; Vol. 2, 5 s. 3 d.

New York City. Board of estimate and apportionment. Report by J. A. McCollum, assistant engineer, to the Bureau of franchises upon the investigation of motor bus operation in London and Paris made in July, 1913, with the suggestion that the board formulate a policy to be pursued relative to the four applications now pending for franchises in the borough of Manhattan. November 5, 1913. 45 p. 4°. **Cm; Cp; Np.**

Report no. 125.

—— Same. (City Record, December 4, 1913, p. 11229–11238.) **Np; Sp.**

—— Board of aldermen. Report of the special committee on speed regulations. November 25, 1913. (City Record, November 28, 1913, p. 10887–10888.) **Np; Sp.**

Relates to the matter of restricting the speed of U. S. mail motor delivery trucks.

NEW YORK STATE. State department. Local ordinances relating to speed and traffic regulations. 1913. 108 p. obl. 12°. **Np.**

The speed and traffic regulations of 167 cities and villages of New York State.

PHILADELPHIA, PA. Report of transit commissioner, city of Philadelphia. July, 1913. 2 vols. 4°. **Np.**

Vol. 1. Text. XIV, 267 p.
Vol. 2. Maps and plans, to 1–69.

The transit commissioner, A. Merritt Taylor, was appointed by Mayor Blankenburg on May 27, 1912. He was directed to investigate and report upon ways and means whereby efficient and rapid transit commensurate with the present and future needs of the entire city and its suburbs might be secured within a reasonable number of years. The present report is the result. It goes fully into the question of public and private ownership and into the financial and economic aspects of the problem. If the definite recommendations of Mr. Taylor can be carried out by the city, it will be without burden to the taxpayer and with ultimate profit to the city treasury. Especial attention is directed to those maps of the report showing the possibilities of increasing the low fare zones.

VIENNA, AUSTRIA. Ordinances. Betriebsordnung und Maximal-Tarif für das Platzfuhrwerk in Wien. 1913. 53 p. **Cm.**

Water Supply

SEATTLE, WASH. Water Department. Water rates, rules and regulations. 1913. 30 p., 1 leaf. 12°. **Np.**

INDEX AND TITLE PAGE

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NATIONAL MUNICIPAL REVIEW

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NINETEENTH ANNUAL MEETING

OF THE

NATIONAL MUNICIPAL LEAGUE

Held at Toronto, Ontario

November 12, 13, 14, 15, 1913

Wednesday Evening Session

Convocation Hall, Wednesday, November 12, 1913

His Worship Mayor Hocken of Toronto presiding.

Mayor Hocken: Our city has been honored by having been selected as a place of meeting for the annual convention of this body of distinguished public men, and students of municipal matters. We welcome the contributions of all students of municipal affairs, and when we are trying to encourage the appreciation of the importance of city government, it is most helpful to have serious minded men and women trying in every way to improve the conditions that exist. I don't think we would be right in saying that we have the finest city in America; at the same time we are going to make it that with the assistance that we will get from you.

A further welcome on behalf of Sir James Whitney was given by the Hon. W. J. Hanna, provincial secretary of municipal affairs.

President Falconer of the University of Toronto welcomed the League saying:

As we survey the present condition of affairs on this continent, we are struck with the very rapid growth of urban life. In Canada we are recognizing that a change is very rapidly coming over the population of this country. The people are being gathered into cities in very large numbers; they are developing so quickly that there is an ever-increasing demand for men to devote themselves to the oversight of these cities, in order that the foundations being well laid, may carry a good and healthful structure in the hereafter.

Criticism is occasionally flung at our men who undertake the direction of public life; but if it is considered for a moment, what they have to do, we should thank these men, who perhaps have in many cases given up the opportunities that this country affords them for great self-interest, to throw themselves into the task of helping the body politic.

As time goes on, we require in this country, not merely a man who is willing to offer himself to carry the burden, but we want also that they should be men who know just how the burden should be fitted to his own back, and to the back of the people, and to tell us just how we should develop. It is not the multitude that we require. A democracy is not led by the masses; it is led by a few, and if the few can be trained in the right way, the multitude will accept them as leaders. But we need direction more and more, particularly of those cities that are coming in upon us so fast, and we need direction in several lines.

In our universities we are endeavoring to prepare citizens who will be able to take their share, both as ordinary individuals, and as leaders in the solution of the various problems that must be met. There are the problems that will be dealt with in the faculty of arts, concerning social conditions, taxation, and various problems gathered round economics and political science. Then there is the faculty of medicine which may be subsumed under the title "preventative medicine." Today this is occupying a much larger position than ever before, and in our faculties of medicine and the hospitals, the endeavor is being made to lay the foundations for a fine municipal health. We believe that we can contribute largely in that way. Then there are other problems dealt with in the faculty of applied science, architects. We need those who will build us beautiful homes; who will provide buildings not only commodious, but which will appeal to our aesthetic taste and senses. Then we have sanitary engineers, and so in a variety of ways, the university is interested immensely in the development of the municipality, and in all that goes to make the life of those who dwell in our modern cities more beautiful, more agreeable, and more useful.

Camillus G. Kidder, Esq., Orange, New Jersey, vice-president of the National Municipal League responded:

There is an association in the northwest, which has for its object the making of that fine, noble stream, the Red River of the North a second Elbe, black with commercial shipping. This association sometimes meets in Winnipeg, and sometimes in Grand Forks, North Dakota, and I have been told that the members fraternize so closely, that you can hardly tell them apart, and it would take great discrimination to pick out the different nationalities.

I remember at our sessions from year to year, Mr. Spence has very often brightened the discussion, as to whether this or that proposed reform is a mere "counsel of perfection," by the statement that the measure had been in successful operation in Toronto for years. It was a helpful contribution, and making all allowance for the natural mendacity which comes over all patriotic citizens, there was an air of truth about it which carried conviction. And, it is a fine thing, when you can, as a humorous friend of mine tersely said, "reduce the potentialities of the possible to the things of the is."

In closing, I think I may say, that if you care to look into the history and doings of this body you will find that its aims are simple, and it pursues them sanely. Its object is wholly to make the government of cities better, and heaven knows that the field is vast, and the laborers are few.

It affords a forum for anyone who has an idea to present, but its official outgoings are based upon careful inquiry, and are conservative. It does not generalize from one particular.

Clinton Rogers Woodruff then delivered an address dealing with the question, "Of what does municipal advance consist?"[1]

The Hon. William Dudley Foulke, of Richmond, Indiana, then delivered his annual address, the subject being "Public Opinion" which is to be published in full in the April issue of the NATIONAL MUNICIPAL REVIEW.

THURSDAY MORNING SESSION

Thursday, November 13, 1913

President Foulke in the chair.

The secretary presented the report of the executive committee which was duly accepted.

REPORT OF EXECUTIVE COMMITTEE

The executive committee has had supervision of the administrative work of the League, as occasion required being kept in close touch with affairs through frequent referendum letters. It is now preparing a hand book of the members of the League arranged alphabetically and geographically. This will be distributed shortly after the first of the year.

In conjunction with the publication committee it looks after the NATIONAL MUNICIPAL REVIEW, edited by the secretary.

In the spring of 1913 it voted to affiliate with the International Municipal

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[1] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 1.

League inaugurated by the League of Canadian Municipalities.

The committee has also made arrangements for representation of the League at various meetings like that of the Conservation Congress and Southern Commercial Congress.

On September 30, 1913, the membership of the League stood as follows: 2449.

Plans are in course of preparation for an active campaign for new members beginning with the first of the year.

The President: The next thing is the report of the treasurer, Mr. Burnham.

George Burhham, Jr., presented his report as treasurer.[1]

The President: This report seems to indicate an improvement in the finances of the League; although I guess we all desire that an even further improvement may be made in the future.

The next matter we have to deal with is the report of the nominating committee. During the presentation of this report, I would ask H. O. Richter, president of the Ontario Municipal Association to take the Chair.

The report of the nominating committee was then presented by Robert S. Binkerd, of New York, who moved that the secretary cast a ballot for the election of officers.

The President: There is one matter that should be clearly understood, before doing the president the honor of reëlecting him again. My own health during the past year has been very precarious indeed, and I cannot say how long I can attend to the duties of president of this League. I have agreed to serve, with the understanding that if I find myself unable to act, there should be an acting vice-president. I thought it only fair that the League should understand my position.

Mr. Binkerd moved that the council shall have the power to fill any vacancies occurring during the year, which motion was duly carried.

The Secretary: I have cast a unanimous ballot for the following officers and members of the council as nominated by the committee:

President: William Dudley Foulke, Richmond, Ind.

Treasurer: George Burnham, Jr., Philadelphia.

Secretary: Clinton Rogers Woodruff, Philadelphia.

Vice-Presidents: Miss Jane Addams, Chicago; *John Stewart Bryan*, Richmond, Va.; Camillus G. Kidder, Orange, N. J.; A. Lawrence Lowell, Cambridge; George McAneny, New York; J. Horace McFarland, Harrisburg; Charles Richardson, Philadelphia; Chester H. Rowell, Fresno, Cal.; Dudley Tibbits, Troy.

Council: Charles W. Andrews, Syracuse; *Mrs. Philip Bancroft*, San Francisco; M. N. Baker, Montclair, N. J.; William P. Bancroft, Wilmington, Del; Edward L. Burchard, Chicago; Charles J. Bonaparte, Baltimore, Md.; John A. Butler, Milwaukee, Wis.; William M. Chadbourne, New York; Harvey Stuart Chase, Boston; Richard S. Childs, New York; Julius Henry Cohen, New York; Dwight F. Davis, St. Louis; Mrs. Charles Farwell Edson, Los Angeles; Rev. W. G. Eliot, Jr., Portland, Ore.; Walter L. Fisher, Chicago; *James A. Haight*, Seattle, Wash.; Clarence L. Harper, Philadelphia; Prof. Albert Bushnell Hart, Cambridge, Mass.; Raymond V. Ingersoll, New York; President Edmund J. James, Urbana, Ill.; W. D. Lighthall, Montreal, Canada; Meyer Lissner, Los Angeles; William G. Low, Brooklyn; Knowlton Mixer, Buffalo; Frederic Cook Morehouse, Milwaukee; Oliver McClintock, Pittsburgh, Pa.; *John Lord O'Brian*, Buffalo; Robert Treat Paine, Boston; Elliott Hunt Pendleton, Cincinnati; James W. S. Peters, Kansas City, Mo.; *Lawson Purdy*, New York; *F. L. Siddons*, Washington, D. C.; *F. S. Spence*, Toronto; *Howard Strong*, Minneapolis; *George B. Ward*, Birmingham, Ala.; A.

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[1] See National Municipal Review, Vol. ii, p. 559.

Leo Weil, Pittsburgh, Pa.; Thomas Raeburn White, Philadelphia.[1]

Mr. Richter: I declare the several officers nominated duly elected, and I have much pleasure in extending to you, Mr. President, my hearty and sincere congratulations upon your reëlection to the important position of president of this League.

The President: I am sure, that I am doubly grateful.

Mr. Burnham then presented the report of the committee on municipal budgets.

Report of the Committee on Municipal Budgets

Your committee on municipal budgets has the honor to submit this, a preliminary report on the subject entrusted to it for investigation and report. It is called a preliminary report since the committee believes that in it it has done little more than outline the problem and present certain of its phases which should be brought before the League for discussion.

At the outset the committee desires to emphasize the fact that, in its opinion, the problem of improving methods in respect to the framing, presenting and taking action upon budgets can not, or rather should not, be separated from the other operations involved in the management by municipalities of their financial affairs. The budget is but one link in a complete chain of operations having to do, on the one hand, with the authorizing, collecting, recording and reporting of past, and the estimating of future, receipts, and, on the other, with the authorizing, expending, recording and reporting of past, and the estimating of future, expenditures. All of these steps are intimately related one to the other. Together they have for their purpose to ensure:

1. That no step shall be taken except as legal authorization therefor has been made, and that all obligations and restrictions imposed by law shall be rigidly adhered to.
2. That a proper record shall be made of all operations had.
3. That a complete accounting shall be secured of all moneys received, or that should be received, and of all moneys expended.
4. That a full and complete report shall be had of all such transactions.
5. That an estimate of future needs shall be presented to the authorizing authority in order that it may act intelligently in making provision for the conduct of the government in the future.

These several operations are covered by the designations: (1) revenue and appropriation acts; (2) accounting; (3) auditing; (4) reporting; (5) the budget.

The foregoing is, of course, but a matter of A, B, C to all persons who have at all concerned themselves with matters of municipal finance. The statement has only been made in order, in this place, to bring out the exact position occupied by the budget in the general problem of the management of municipal finances, and its intimate relations to the other features of this problem.

The function of a budget is to present, at one time, and in one place, to the authorizing authority a comprehensive and detailed, but, at the same time, a clear and logically arranged, statement of receipts, appropriations and expenditures in the past, and, on the basis of such data, of receipts and expenditures to be anticipated, or provided for, in the future. This being the function of the budget, your committee has sought, in the following paragraphs, to set forth, and briefly comment upon, the fundamental conditions that must be met if this function is to be properly discharged.

1. Every city should adopt the principle of an annual budget and should make it the foundation of its financial system. The committee does not feel that it necessary to argue this point. It lieves that there is a substantial agreement on the part of all students of municipal affairs that a prime requisite to improvement in the management of municipal affairs is that municipalities should adopt the policy of considering at one time the whole financial situation of the municipality and of making definite provision for taxes to be levied and expenditures to be authorized for the ensuing fiscal year. It follows as a matter of course that, if this is to be done, the council, as the authorizing authority, should get before it at one time all the information needed by it in order that it may act intelligently.

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[1] The names in italics are new officers or members of the council.

2. The budget must be essentially an executive act. It should represent, in the first place, the definite statement by the executive of the manner in which previous authorizations for the collection of revenues and the making of expenditures have been carried out. As such it is the most important report of stewardship that the executive makes. In connection with this report on past operations, it should, in the second place, present a corresponding statement of money which, in the opinion of the executive, will be required to maintain the government during the ensuing year, how this money shall be raised, and how expended. It should thus constitute a statement of the administrative program of the executive for such year.

3. It should be comprehensive. It should, in other words, represent an absolutely complete showing regarding receipts, from all sources, and expenditures, for all purposes, made or estimated for the future.

4. It should be itemized in the greatest practicable detail. The purpose of the budget is to show, not merely the lump sums received or expended, according to general heads, but precisely the manner in which income has been, or is to be obtained, and money has been or is to be expended. Without such detail legislators making use of it will not be able to exercise any independent judgment regarding either past performance or future needs.

5. It should be prepared in such a form as to permit of detail, as well as summary, comparisons between expenditures, appropriations and estimates. This end can be secured by showing in parallel columns for each item, and group of related items: (a) receipts and expenditures for the last completed year; (b) anticipated receipts and actual appropriations for the current year; (c) estimated receipts and expenditures for the ensuing year; (d) the increase or decrease represented by such estimates over current appropriations; (e) reference to acts authorizing the receipts and expenditures shown.

In notes, or accompanying text, should be set forth the reasons or arguments for all changes of importance represented by the increases or decreases.

6. It should distinguish clearly between expenditures for capital outlay and those for current maintenance and operation, and also between those for salaries and wages, and those for other purposes. There are other distinctions which it is desirable should be made if it is feasible to provide for them without unduly complicating the presentation. The two mentioned are, however, practically essential if the true significance of the figures shown are to be appreciated.

7. The items should be classified and grouped in such a manner as to bring out relationships and the real nature of the activities of the government. A mass of unrelated items will convey little or no information. It is only as they are arranged in groups and subgroups, with corresponding totals and subtotals, that the significance of the operations covered can be seen.

8. The classification should be according to two principles: (a) organization units of the government; (b) functions.

We have here to do with one of the most vital features of a budget. A budget, as stated, is essentially an information document. It should, therefore, be so prepared as to afford the maximum of information, and in such form that it can be easily understood and utilized by the ordinary person. Your committee understands that one of the most important features of the task that was assigned to it was that of determining, and, if possible, drafting a form of a budget that would be adapted to the needs of a small municipality, say one of from 50,000 to 100,000 inhabitants. To carry out this task your committee has given careful consideration to the principle or principles upon which a budget, or appropriation act, should be framed. Expenditures may be estimated for and authorized in a number of ways. Of these it is necessary to specify but two: that where the estimates or authorizations are according to the services to be maintained and that where they are according to functions or duties to be performed. Were all services of the government unifunctional, and there were no overlapping, such as would be the case if each service of the government performs a single function and no other service performs any duties falling in the field of another service, it would be immaterial which of the two systems were adopted. Unfortunately, for budgetary purposes at least, this condition of affairs rarely, if ever, obtains. The result is, that the figures appearing in a budget must, if it is to give the information necessary, be classified in each of these two ways. Stated in a different way, this means that the budget should be according to one principle of classification and be accompanied by a supplemental statement analyzing these figures according to the other principle.

This presents the question as to which principle shall be adopted as the one to be followed in the estimates proper, and which used as the basis of the supplemental analysis. As is well known the standard, or uniform, classification of municipal receipts and expenditures, for use in reporting purposes, approved by the League, and employed by the Census Bureau, rests upon the functional basis. It aims, on the expenditure side, to bring together all expenditures for a given purpose regardless of the services responsible for them. The establishment, and constantly extending use, of this classification, for purposes of presenting and comparing municipal expenditures, constitutes a strong argument in favor of the League attempting to have it generally adopted for budgetary purposes as well. Notwithstanding this, your committee has, with some reluctance, come to the conclusion that the basis of classification for the budgetary statement proper should be that according to organization units. Following are some of the more important of the reasons which have led it to this conclusion.

In the first place, it is desirable to emphasize in every possible way the factor of personal responsibility. In the actual organization and conduct of the affairs of government, individuals are in charge of particular divisions or subdivisions of the government and not in charge of the performance of particular categories of work, except in so far as such particular categories are entrusted to particular organization divisions. As a result, individual responsibility consists in expending money and estimating the needs of such subdivisions of organization. The actual preparation of estimates consists in the individuals constituting the directing personnel making estimates of the needs of the services under their direction and forwarding them to the official next in authority above them. Here they are scrutinized, criticized, revised, and aggregated, and again forwarded to the person next in rank, this process being continued until the final aggregation is secured. If a man's estimates are broken up and scattered in different parts of a budget it is bound to lead to confusion, and make it difficult for the legislator to reach the proper man or proper administrative report for further information. Only by keeping accounts and making reports according to organization units is it possible to determine the efficiency with which the individual services are being run. Only as the heads of services know that their services are going to be considered on the basis of the work for which they are individually responsible will there exist a real incentive to efficiency and economy. This being the necessary basis for accounting and reporting it is of prime importance that the budget should be in conformity with it.

In the second place, it is desirable that the budget, and appropriation act based on it, should present as complete a picture as possible of the organization of the government in outline. They should reveal at a glance just what departments, bureaus, and subdivisions are being maintained, their relations to each other and the personnel required by each. If a budget is properly prepared it will constitute an invaluable document revealing the structure of the government to be financed.

This decision in favor of the organization unit as the basis of the budget proper, by no means implies that the desirability of having expenditures, appropriations and estimates shown on the functional basis is ignored. On the contrary, as has already been stated, the committee is of the opinion that the budget should embrace a supplemental statement restating the figures on this basis. In making this restatement it is desirable in the extreme that such statement should conform to the standard classification of receipts and expenditures. This will mean not only that the statement will be in the same form from year to year but that comparisons can be made with other cities.

In making the primary statement according to organization units it is desirable that, in all cases where a given unit of organization performs more than one function, as segregated in the standard classification of receipts and expenditures, the figures pertaining to the several functions shall be shown. In like manner, in the supplemental statement according to functions, it is desirable that, where the same function is performed by two or more organization units, the figures pertaining to each unit should be separated. If this is done the very important information is furnished of the extent to which the performance of the same or related functions are scattered among a number of services. In this way the basis of information is laid for the consideration of the extent to which the government is efficiently organized for the discharge of the duties entrusted to it.

9. The budget should be accompanied by the annual administrative reports of the mayor and all other administrative officers. The budget should be made the occasion for the annual survey of the operations of the government and the manner in which administrative officers have discharged their duties. It should be the central document, as it were, of the complete scheme of reporting. The other reports should be in the nature of supporting documents giving details and arguments which it is not feasible to include in the budget itself.

10. The budget should be the basis of the appropriation act. By this is meant that the appropriation act should follow closely the form and arrangement of the budget. It does not mean, however, that all items appearing in the budget should also appear in the appropriation act. The budget should be itemized to a much greater extent than the latter document. In many cases, where the budget shows a score or more of items representing estimated needs for a particular category of work, the appropriations act should show only a total sum for the category as a whole. This, while making definite specification of the purposes for which expenditures may be made, permits of that degree of flexibility in the expenditure of the sums authorized that is essential if the administration is to make the most effective use of the money.

In the foregoing your committee has sought to do two things: to set forth those principles which, in its opinion, must be adhered to if a proper budgetary practice is to obtain; and to make clear the fact, which it is the prime purpose of this report to emphasize, that the budget, both as regards its character and form, must be intimately related, and made to conform, to the other operations involved in managing the financial affairs of the municipality. The books of account, the appropriation acts and the budget should all employ the same phraseology, classification and arrangement. If this is done, they will severally and collectively support each other. The budget will show the sums requested for each service or category of work, and classes of related services and categories. The appropriation act, following the same phraseology, classification and arrangement, will show the sums actually authorized. On the basis of this appropriation act, corresponding detail and controlling accounts will be opened up in the offices of the treasurer and auditor. These accounts will automatically produce the figures that should appear in the reports of the treasurer and auditor to make known the financial operations of the municipality. These, in turn, or later totals taken direct from the books, will, in a similar automatic manner, furnish the data that should be incorporated in the succeeding budget as furnishing the basis and justification for the estimates for future needs. Thus the chain is completed from budget to budget. All of the parts are integrated or correlated into one harmonious scheme of information documents. Once in operation the difficulties now confronting, both the technical accountant and the ordinary citizen, in harmonizing apparently conflicting data contained in the reports of the treasurer, auditor and other officers will be eliminated or largely reduced. Through such correlation, and such correlation alone, will it be possible to obtain at one and the same time the two classes of information—that regarding past experience, and that regarding prospective needs—that must be available if intelligent financing is to be secured.

The President: This report shows very clearly the general character of the work of the League, which is largely technical, and its chief usefulness appears in our publications and the information which is given to the particular persons charged with budgets and other technical departments.

The report was accepted.

The President: The next report is that of the committee on municipal reference libraries, which will be presented by Dr. Horace E. Flack, municipal reference librarian in Baltimore.

Municipal Reference Libraries

In 1909, the National Municipal League recognizing the value and importance of municipal reference libraries, appointed a committee to investigate the subject and make recommendations as to the organization of such libraries. After a thorough investigation of the subject, the committee submitted its report at the meeting of the League in Buffalo, November, 1910. The recommendations made by the committee for the organization of such libraries are also contained in the article by Earl W. Crecraft in the October number of the National Municipal Review. Copies of this report were sent by the committee to the mayors and public libraries of the larger cities, with a letter calling attention to the importance of the subject. The results have justified the efforts of the League, for since the report was made the following cities have established such libraries: New York, Chicago, Philadelphia, St. Louis, Portland, Ore., Oakland and Toronto. All of these, with the exception of New York, have established the libraries along the lines recommended by the committee by placing the library under the control of the public library, with an office in the city hall. The form of organization of the Milwaukee library has also been changed by placing it under the public library, with an office in the city hall. Minneapolis also has a municipal reference library in the public library. The public library of Fort Wayne, Ind., has started a municipal reference section and it is planned there to have this a branch of the library, with an office in the city hall. To a certain extent, municipal reference work has recently been done in Cleveland and it is thought that in the very near future, a regular municipal reference library will be located in the city hall as a branch of the public library. The public library of Grand Rapids, Mich., has quite a collection of municipal documents and to a certain extent takes the place of a regular municipal reference library but it cannot be said to have a regular municipal reference library. The University of Cincinnati maintains a municipal reference library in the city hall. It is under the general direction of the Professor of Political Science at the University. The Universities of Illinois, Wisconsin, Kansas, Minnesota, Washington, California, Michigan and possibly others have municipal reference bureaus for the cities of their respective states. Such bureaus, however, should not take the place of the local municipal reference libraries. There should, however, be coöperation between the university bureau and the local library. No doubt, there are many smaller towns and cities which are not in a position to maintain their own municipal reference libraries and in cases of this kind, the University bureau can supply this means. Attention should be called to the fact that the University of Wisconsin has just established a course for the training of those who wish to undertake legislative or municipal reference work.

The league's committee on municipal reference libraries and city archives for the purpose of trying to secure the establishment of municipal reference libraries in all the more important cities have decided to use the article prepared by Mr. Crecraft instead of preparing a new report or having the 1910 report reprinted. The committee cannot urge too strongly, however, that in making provision for municipal reference libraries, an adequate appropriation be made for their maintenance and that only those of scientific training be placed in charge of them. It is also absolutely essential that such libraries be so organized as to prevent political interference. The greater the number of such libraries, the greater the possibilities for coöperation in this work.

Your committee have given advice in regard to the establishment of municipal reference libraries in other cities and believe that the report which was submitted at the Buffalo meeting in 1910 has had a great deal to do with the establishment of municipal reference libraries. It is the purpose of your committee during the coming year to write a letter to the mayors and public librarians in all the larger cities, in regard to the establishment of municipal reference libraries and a reprint of the article by Mr. Crecraft will be sent with these letters. The committee will also be glad to do whatever it can in the way of securing greater coöperation among the several municipal reference libraries.

Horace E. Flack.[1]
Chairman.

November 13, 1913.

Dr. Flack: There is an arrangement now whereby several municipal reference libraries are coöperating, by sending each other copies of references which each of them prepares.

The Secretary: The municipal reference library in Philadelphia is in the city hall in close proximity to the city departments, and it is interesting to know that a great many of the city employees use it as a place to spend the lunch hour. It is also used by councilmen and other officials who have to prepare speeches upon municipal subjects.

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[1] *Members of committee:* Horace E. Flack, Legislative Reference Department, Baltimore, Md., Chairman; Hon. Thomas Lynch Montgomery, State Librarian, Harrisburg, Pa.; Miss Edith Tobitt, Librarian, Omaha Public Library; Dr. Henry J. Harris, Library of Congress, Washington; Dr. Robert H. Whitten, Librarian, Public Service Commission, New York City.

I may say that the department is not intended to be a complete collection of books, but to be an index of all the resources of the city and the libraries on that subject. Buried away in the city hall are reports; but they are of little or no value, because they are not indexed; and the libraries themselves have collections which, until the municipal reference department indexed those volumes and reports were not accessible to students and the public generally. When a person goes in, he is not given the book at once, but the book is sent for, and at a designated time the information is there, arranged for his or her convenience.

Our experience in Philadelphia has been such as to encourage us in the belief that this system can be made of still wider usefulness.

Prof. Frank G. Bates (Bloomington, Ind.): Last year at a meeting of the legislative librarians, a scheme was perfected whereby libraries—legislative libraries particularly—should coöperate and furnish each other with certain information. The scheme was to have a central clearing house, which should receive from the subscribers to this scheme information concerning investigations of public questions, which are undertaken in their respective communities, or which have come under their observation. This scheme has been in action since October 1; already about ten bulletins have been issued containing brief statements of such investigations undertaken which are of general interest. These are sent in from different libraries, prepared in typewritten form, and then sent to the subscribers. If an investigation is carried on anywhere the information is given to all the subscribers so that they may avail themselves of this information and prevent duplication of effort, and put them in touch with the information they are perhaps particularly interested in. The clearing house is at present at the bureau of legislative information at Indianapolis.

The President: Now we are approaching a fundamental institution, civic education, and I am sure we will have much pleasure in hearing Miss Louise Connolly, of the Newark Public Library.

Miss Connolly's striking address was received with frequent applause.[1]

An elaborate report on "Civic Education" was read by the chairman of the special committee, Arthur W. Dunn, of New York.

An Abstract of a Report by the Committee on Civic Education

Investigations to be of value should be followed up constructively. The committee's inquiries have shown that the schools want positive suggestions.

There is abundant evidence that civic education is inadequate and largely ineffective in the schools of the country; that the schools recognize this fact; that there is need of extending civic training down through the secondary schools into the elementary schools; that civic training should give less emphasis to mere information about government, and more to the qualities of good citizenship, and should direct atttention away from textbooks and toward the realities of the community in which the child lives. Successful or promising experiments and methods have appeared here and there, and there are large possibilities for effective civic training through such non-school agencies as the Boy Scouts, junior civic leagues, and similar organizations of youth.

Every improvement in actual municipal conditions that the League is able to bring about is educational work of the highest value, for one of the chief factors in civic education is "the common heritage of civic conditions, civic habits, and civic ideals. But all efforts to secure permanent improvement of civic conditions, civic habits and civic ideals will be fruitless that do not build upon the hope of a more intelligent and more interested citizenship. Not only is it a proper function of the League to include in its program an organized effort to improve the quality of civic education, but no more important and far-reaching step in the direction of better municipal conditions can be taken.

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[1] Unfortunately the stenographer made no report of it, but we hope that she will be able to reproduce it for our April issue.—C. R. W.

The first step should be to assist in the development of a proper conception of what practical civic education is, and to convince civic organizations of the importance of such education as a part of their programs for civic betterment.

The problem of effective *civic* education is really the problem of *effective education.* The civic education of the children will not be properly provided for until the entire work and life of the school are adjusted more perfectly to the needs of the community. This does not eliminate the necessity for direct instruction in civics, but only suggests that such instruction must itself be reorganized to adapt it more directly to the needs of the child as a member of the community.

A second step is to disseminate information about successful and promising experiments in order that one community may profit by the experience of others. This will involve a system of publicity. There is a considerable demand for addresses on this subject. It should be possible for the League to provide suitable speakers where there is a call for this service.

A third activity should be a continous search for successful or promising methods of civic education and for the latest ideas on the subject. Such information should be gathered by a well-organized plan of coöperation with school authorities. The committee has had a generous response to recent communications sent out for this purpose.

A fourth step is to obtain an appraisal of the value of work that is being done. The time is past when the value of a given method or experiment can be determined solely on the basis of opinion. In a measure the value of civic education may be measured by its immediate results in the life of the child, of the school, and of the home, neighborhood and community. Some such standards as those used by Dr. F. M. McMurry in appraising the efficiency of instruction in the New York schools should be of peculiar value in appraising the work in civics because they refer directly to fundamental qualities of citizenship. Current opinion regarding this question of standards should at least be ascertained, and teachers and supervisors stimulated to test the work in their care and to record results. A beginning has been made in this direction.

An important factor in civic education is the direct participation of children in civic functions. A great opportunity for the cultivation of proper civic habits is presented in the life of the school itself. But there is greater opportunity through actual participation in the activities of the larger community outside of the school. Such participation should be encouraged, but it should have competent guidance and the coöperation of older people. Participation by children in public matters is valuable in proportion as it is directly educational.

The most important factor in all education is the teacher. One of the chief obstacles to effective civic training is the lack of adequate preparation of the teacher for the work. It is encouraging to find a considerable number of the training schools for teachers consciously dealing with the problem and enriching their work for this purpose. Nevertheless it is apparent that the generally prevailing conception of preparation for the delicate task of cultivating good citizenship is a fairly comprehensive knowledge of the Constitution. A recent letter from a city superintendent voices a widespread feeling that it is unfortunate that the civic training of boys is so largely in the hands of women. This difficulty is not so serious as it seems if we remember that civic education is the cultivation of the qualities of good citizenship. What teachers need is not so much a more intimate knowledge of governmental activities as a new attitude and point of view.

The substance of this report may be summarized briefly:

If the repeated investigations into the status of civic education are to be of value, they must be followed by a constructive program; the results of these investigations show not only that help is wanted, but certain lines along which such help would be profitable; it is not only a proper function of the League to do such constructive work, but it should be a peculiarily important part of its program, since hope for permanent municipal improvement depends largely on the cultivation of an intelligent citizenship.

Some of the lines of constructive activity to which the League might properly apply itself are:

1. Propaganda to aid in developing among civic organizations and the thinking public a better appreciation of the importance of civic education, and a clearer conception of what it embraces.

2. Dissemination among the schools and other agencies that deal with youth of information regarding successful or promising experiments or methods, and regarding the best thought on the subject.

3. A continuous search for new ideas as they express themselves anywhere from time to time.

4. An appraisal of experiments and methods by practical standards now in use or to be discovered, and the stimulation of teachers and supervisors to record results and to test their methods.

5. A study of the activities of agencies which work largely through the participation of children in civic activities, both from the point of view of immediate civic results, and from that of their educational value; and with a view to seeking greater usefulness of such organizations.

6. Propaganda in behalf of better preparation of teachers for the work of civic education.

7. The cultivation of close coöperation with the National Bureau of Education, state and local educational authorities and professional teachers' organizations. The actual readjustment must be made by the educators themselves.

The committee recommends that the League establish a Department for the Promotion of Civic Education, with a strong advisory committee and a secretary or director.

Respectfully submitted,
Arthur W. Dunn,[1]
Chairman.

Rt. Rev. Charles Scadding (Bishop of Oregon): I am going back to Portland inspired by what has been said. The reports were so consecutive, so clear and so thorough, that there is not very much room for discussion. I come from a state which is supposed to be a state of fad legislation. We have the initiative, referendum and the recall, and women's suffrage, and everything like that out there. Some of you know the history of that movement. Some of you know that we have women's suffrage, to which I am a convert. I have seen what good is done there and we are under a commission form of government.

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[1] The plan for the establishment of a department of the league for the promotion of civic education, as recommended by the committee on civic education in its report to the league at Toronto, has been approved by the council and the executive committee. A considerable portion of the necessary funds has already been raised and the executive committee has underwritten the salary of the director or secretary of the new department. Mr. Dunn as chairman of the committee on civic education has given his entire time since the first of September to the preliminary work of organizing the department and good progress has been made in establishing relations with educational authorities throughout the United States. Three booklets have been issued and material for other publications is in hand.—Editor.

Five men and our mayor handle our young city just like a man would handle a railroad or any good business corporation. They are saving the city large sums of money. Sometimes I think we make mistakes. The referendum was invoked against our state university and our professors were held up in their stipends for awhile and the University had a setback, something which could not happen here in Toronto. It has gone back to the people and the people have voted on it almost unanimously, at least by a great majority, and our state university is stronger today than it was before.

Don't think for a moment that you are wrestling with the church. You are not. The church is with you, and I believe that you will find that we are today wrestling for civic betterment against all manner of evil.

When we pray "Give us this day our daily bread," we don't wait and see how it comes to us, we go out and earn it. We don't sit idly by and see the evil go on. We want to stand shoulder to shoulder with you, and I, as a member of this League, will do the best I can to forward its interests in the city of Portland. The gentleman on my right is the editor of our leading church paper, *The Living Church*, a man who stands for all these things under Mr. Woodruff for the dissemination of just such information. We are standing by your side and we are interested in it and we want to do all we can to help you.

Another thing is this, the great majority of the women don't want to vote. I advocated it in my house and I did not find any support. We cannot get a fifth of the women in our town to vote. They seem to think it is indecorous for them to do so. Now, to give a woman a vote in national affairs once in four or five years is not going to make her any better or worse.

I believe the vote as a rule would tend to good. But, as I said, the ladies had better get to work amongst other ladies and try and have them see the necessity for it. I say in this country the ladies can get everything they want that is reasonable and right, and I believe with you, Miss Connolly, that the boys in this country are good boys and all they want is the training, and I don't believe in our schools today—whatever you may do in your colleges and upper classes—I don't believe in our schools you can mix politics and religion.

Round Table Luncheon

November 13, 1913, McConkey's Restaurant

CIVIC EDUCATION

The Chairman: (Arthur W. Dunn) One thing that I have felt called upon to emphasize from time to time is the fact that civic education is not something that we can *will* to have or not to have. It is a continuous, inevitable process, not only for children but for adults.

It is not merely the school that is training for citizenship, but a great many agencies—the home and the street, the shop and the playground, all have their influence in this process of civic education. Some agencies train for efficient citizenship, others for inefficient citizenship. The real problem before an organization like ours is not whether we shall institute civic education but how the forces that do train for citizenship may be controlled or directed. In order to decide what forces are doing good work and what forces are doing poor work, we need standards by which to judge. And in order to arrive at such standards, it is necessary first to answer the questions, What is civic education, what is its aim, what is its scope? It is these questions that I should like to have this group discuss.

Isaac Adler: I want to say at once that there was nothing said in either of the excellent papers heard this morning on civic education with which I take issue. I am thoroughly in accord with with all that was said, and all I shall attempt to do is to suggest some lines of work which the National Municipal League might possibly undertake in order to further civic education.

In the talk of Miss Connolly I was particularly impressed with the statement which she brought out so forcibly that we are endeavoring to train citizens through non-citizens; and I could not but feel that her entire talk from beginning to end, both in what was said and in the way she said it, was an extremely strong argument for women's suffrage.

It is true, as repeatedly said this morning, that if we are going to educate the children, we must educate the teacher. What more effective means of educating the teacher can be found than giving her the vote? I have not long been a woman's suffrage supporter, but I confess the arguments of Miss Connolly this morning made a deep impression upon me.

A second instrument of civic education, which was not touched upon in the papers this morning, but which seems to me to be important, is the evening schools and evening meetings of citizens in the schools. We have in Rochester courses for citizens about to be naturalized, schools where they are prepared for naturalization. In this movement for the education of foreigners, as well as of our own citizens in the evening schools, we should find a splendid opportunity for civic education.

Then, also, in the wider use of the school buildings for neighborhood meetings we should find a great field for spreading civic education. That subject, I understand, has already been taken up by this league and a book published relating to it. It seems to me that perhaps nothing more effective could be done than to spread the gospel of school buildings as neighborhood centers.

There is a third factor in this problem of civic education, which I think lies a little deeper than anything you have touched upon this morning. Our trouble comes from the boys and girls who drop out of school before they graduate from the elementary schools, and who never get the training that comes in the seventh and eighth grades. Therefore it seems to me that the most important thing we can do is to keep the children longer in school. We have been making a very careful and interesting study in Rochester of the causes of elimination. The child who in the early years of schooling is frequently absent, is retarded. Retardation brings the child over age in his grade and is the most effective cause of elimination from the school.

If, therefore, we make a study of this subject of irregularity in the lower grades with its consequent retardation and ultimate elimination, and call the attention of the people generally to the ill effects of irregular attendance in the lower grades, we shall take a long step towards securing better civic education. We have started vocational education in Rochester with the distinct object of interesting the child and ascertaining for what he is fitted. The introduction of vocational education in the preparatory school would be well worth the earnest efforts of this Association.

Miss Connolly: I want to say only one word. Every night for the last few years I have said before I went to bed the Lord's prayer, "Now I lay me," and "Oh, Lord, please preserve me from making a suffrage speech," but I see that the Lord has not preserved me.

What I wanted to say is that since eleven o'clock I have become more and more impressed with the coming truth of a glorious vision I have had at heart for some years: it is the vision of the western continent doing it right; it is a vision of the men of America saying to the women of America "Come and help us and we will help you to help us," and the women saying, not "Give it to us," but "May we be worthy of it!"

Dr. Wilcox: What has been said today on civic education has covered the field so well that I can hardly add anything to it. But I have this to say in connection with the suffrage question. One of the three main reasons why I believe earnestly in the extension of suffrage to women is that in our big cities where we have our problems to solve there is no doubt a great amount of leisure that is going to waste, and it is mostly the leisure of women—women of the middle and upper classes, who have more leisure for serious matters than any other class in the community. Now it is my hope that the enlargement of the suffrage, particularly in municipal affairs will enlist in the services of these great problems the free time of this large class of our citizens.

Mr. Dunn has I might say, monopolized to his committee our whole program, because he has dealt so thoroughly with what we are all trying to do. What are all our problems when we simmer them down? In the last analysis they are simply problems of civic education. What we want is an educated people, people interested in the government themselves. When we have that, we will be ready to quit in our civic endeavor.

In addition to the use of the school buildings in which I am greatly interested, I want to call attention to another thing that has been spoken of. I am a strong advocate of the initiative and referendum and have been for a number of years. Why? Simply because of this fact, that we must have an educated people, and it seems to me that the direct participation of the people in the affairs of the government, in passing upon measures—which they will take home and discuss with their families and apply their brains to—is an essential, at least a most effective, method of civic education.

This committee has directed its attention primarily to that phase of civic education which is to take the children through the schools and educate them to be citizens. It seems to me that we must attack this problem all along the line. When I am working on franchises and public utilities, I am helping him in his problem of getting into the schools something vital in reference to citizenship. We have to teach the parents first, the children first, in other words both at once.

In democracy the natural organ of publicity, the natural organ of government, is the newspaper, and many of us have found, sometimes to our sorrow, that the newspapers, being privately controlled in many respects, are not always open channels for discussion. Under the conditions that confront us, the newspaper problem is one that needs attention. We must either get control of the newspapers and make them responsible to the democracy, or else we must get around them. Out West, in Oregon, and some of the other states, where they have adopted the initiative and referendum, they have provided for the voters' handbooks to give information to the citizens, and chances for discussion, which in a measure will counteract the failings of the newspaper.

It seems to me that this matter of the use of the school, the establishment in every local community, in every part of every great community, of a place where the people of the neighborhood can meet, is an essential thing in connection with the participation of the people in government for which we are asking. So it seems to me that this whole program, the enlargement of the suffrage, the correct use of the school buildings, neighborhood discussion, the getting control of, or bringing to a sense of greater responsibility, the newspaper press, and the enlargement of the participation of the people in government—all of these things will help, and powerfully help, the movement for the direct education of the children through the schools.

[At this point E. J. Ward of the University of Wisconsin was introduced, and spoke on the subject of the social center as a factor in the process of training for citizenship. Unfortunately, the transcript of his remarks were not edited by him in time for publication in this issue of the REVIEW.]—EDITOR.

THE CHAIRMAN: I referred in my report this morning to the fact that the American Political Science Association also has a committtee at work on the problem of civic education. Prof. Wm. A. Schaper of the University of Minnesota, has been a member of that committee, and we should like to hear from him.

PROFESSOR WILLIAM A. SCHAPER of the University of Minnesota: I was the chairman of a committtee some years ago that first started this work in the Political Science Association and I am still very much interested in it. I was also a member of a committee of this league for a number of years. Our principal work was to see what emphasis the leading colleges gave to city government. We discovered that our leading universities ten years ago were not reaching their students at all and that the normal schools had not even started to train their teachers for this particular duty. It seems to me that if this league has any work before it, it is to see that the schools that train our teachers should emphasize this work of civic education.

The primary agency for civic education must be the public schools. It is through training the children that you are going to get intelligent discussion in these meetings that are to be held in the future. In order to train the child we must train the teacher. Our first investigation showed that one of the largest universities in the east did not have a single man teaching government. The university that is generally credited with having first developed political science did not at that time teach a single undergraduate. The whole work of the university only five or six years ago was directed towards teaching graduate students and not a single hour was given to undergraduates.

I inquired in one of our educational associations the other day whether there was a department to teach the teachers in one of the largest universities in the west and I was informed that there was no course given in government.

Some years ago I ran across a letter published in a South Carolina paper in 1875. In that letter the writer said: "There are citizens who tell us that the revolution is now over. I say that the revolution has just begun; the war is over, but the revolution has just begun. What is that revolution? It is preparing a nation for a system of responsible government." It seems to me that was putting the thing very aptly. There were men at the time who understood the problem very well, among them George Washington and Thomas Jefferson. They worked hard to secure the establishment of a university in Washington to teach the science of government. Jefferson afterwards founded the University of Virginia, and his first object was to have that university teach the science of government and the civil law. It is the same problem we have today. After the public school was instituted we turned these problems over to them, and they haven't taken care of them. Until we do our work properly in the institutions where the teachers are trained, we can never hope to get the civic education we are looking for.

MR. I. LIONBERGER DAVIS (St. Louis): Mr. Chairman, I want to introduce myself to the meeting. I have just come from Buffalo this morning. I have listened with considerable interest to the discussion of the speakers, but it seems to me that one of the biggest problems of civic education has been overlooked. I speak now of the great mass of people in our country who have not the opportunity either of getting primary education or of continuing their education after they start to work. There are a great many people in America today, and I think in England, who have not the physical necessities that they require, nor the leisure for developing their minds, so that they can become competent and efficient citizens.

I have been working for three weeks trying to settle a great industrial strike in St. Louis and I want to say that underlying all your education, underlying all your betterment in government, comes the creature welfare of your working people, and it seems to me that all of us interested in municipal government ought to take every means in our power to improve the condition of the great mass of our people so that they may be able to get education and continue that education after they leave the schools. In St. Louis the board of education tries to meet the problem by continuation schools. I don't know how it is in most of the states or here in Canada, but I do know how it is in my own state. Fully eighty per cent of the children who reach fourteen go into industry.

I think the hope of America rests upon the plain, ordinary, every day man. If the people who work in our factories live in our crowded communities, or work upon our farms don't get the opportunity for proper education, the hope of our nation is gone and democracy is a sham.

Mr. Charles W. Norris (Milwaukee): Mr. Davis has spoken of the country. This is a National Municipal League. We need a national suburban and farm league. It does not seem to me that the work that is done here is reaching out to the localities that it should. We need a landscape gardener to lay out country conditions so as to get the people in the country closer together.

Mr. Ward from my state has spoken of making the kid the goat. I want to say to Mr. Ward that he cannot do it. The kid is much smarter than his elders. You all remember the saw that "the child is father to the man." I want to say that we must not forget the children, we must not create social centers—or as I believe the gentleman from Rochester would say, neighborhood centers—for the adult. We must make them for the children. Where the child goes, there will the parent come.

Mayor McKerogow (Westmount, Que.): I am a stranger to most of you and I have listened with a great deal of pleasure to the remarks made by the several speakers, but the one address of the day that has impressed me most forcibly and which I will carry away was that made by Miss Connolly. It is impossible to think of anything more important than the elementary education of the children. That is the foundation of everything. If you don't put in a good foundation, you have nothing to build on. Pay attention to your elementary schools all over the land. Put the foundation in. The children afterwards can put any superstructure they wish.

I have not heard one word spoken today of the home. To me the home is the center. If the children are not properly trained and looked after in the home, you will never have good citizens.

When we come to the next question raised by Miss Connolly—and that is the suffrage question—of course there are two views on that question. Now I don't want any misapprehension. There is not any person that believes more in giving women the vote than I do. But the women must not overlook some of the points about it. What I claim is this, that a good woman is as good as any man, but the vote won't make a woman any better than she is. It did not make men good and it won't make women good.

The Chairman: What can we derive as the net results of this rather broad discussion?

Miss Connolly's address and the report of the committee dealt almost wholly with the problems relating to the work of the schools in training citizens. In this discussion, based on the morning's program, emphasis has been placed on woman suffrage, evening schools for foreigners, the wider use of the school buildings as social centers, the home, the retention of children in school for a longer period, vocational education, the initiative and the referendum, the newspaper press, provision for the creature welfare of the people—all as factors in the process of training the people for efficient citizenship.

Have we digressed fruitlessly from the theme of the morning's program? Not necessarily. In my opening remarks this afternoon, I called attention to the fact that the school is but one of the many agencies that are inevitably training for citizenship, good or bad. In my report this morning, I recognized the fact that every improvement secured by this league was educational work of the highest value, since one of the chief factors in civic education is "the common heritage of civic conditions, civic habits and civic ideals."

The discussion has been fruitful if it has tended to emphasize one fact and if it has not obscured another fact. The fact that the discussion should have emphasized is that the school is but one of many factors contributing to the training of citizens, and that completely successful work on the part of the school is largely dependent on what the other factors are doing. Is the school one of many factors that are all working to gether in the interest of better citizenship, or is it under the necessity of counteracting deficiencies or inefficiencies on the part of the other factors? To what extent are the school and the home pulling together in the development of efficient citizenship, or to what extent is the school handicapped by the necessity of overcoming untoward civic influences in the home? To what extent does the "common heritage of civic conditions, civic habits and civic ideals" provide a favourable environment for the civic work of the school, or to what extent does this heritage tend to undermine the habits and destroy the ideals that the school attempts to nourish and cultivate? What chance has the school to develop in the child a proper attitude toward public health or public safety, if he lives in an atmosphere of apparent disregard for either? What hope is there in teaching the benefits of efficient government, if the community seems to be satisfied with governmental inefficiency? In other words, the citizen interested in the efficiency of the schools in the training of citizens needs to bear in mind that that efficiency depends in large measure on the influence of other factors over which he, as a citizen, may have some control. The school must not be made to bear the entire responsibility for its defective product.

On the other hand, the fact that must not be obscured by this discussion is that the school *is* one factor and a peculiarly fundamental factor in this process of training citizens. One of the most significant features of this Toronto meeting is the frank recognition of the work of the school in training citizens as a proper object of interest and activity of the league.

As Dr. Wilcox has said today, we must begin at both ends of the problem. He has also called attention, in another place, to the paradox that "no absolute social salvation can be brought about unless the children can be reached, while the only possible way to reach the children is through the grown people." It is equally true that one of the most effective ways of reaching the grown people is through the children.

It is in recognition of these facts that the council of the League at its meeting yesterday, approved the plan, proposed by the committee on civic education, to develop a department of the League for the promotion of more effective and more vitalized civic training by the schools and by other agencies.

THURSDAY AFTERNOON SESSION

City Hall, November 13, 1913, 3 p.m.

Vice-President Camillus G. Kidder, in the chair.

MR. KIDDER: In the year 1896 there was a committee formed which is known in the liquor annals as the "Committee of Fifty," of which Seth Low was chairman. It found that 5 per cent of the adult men are confirmed drinkers, what in the parlance of the saloon are called "rounders," men who drink too much, with whom it is a disease. About 20 per cent are total abstainers, not all of them prohibitionists, but men who never touch alcohol on any pretense. They found that 25 per cent are moderate drinkers, men for instance who habitually take a glass of wine with meals, like the old fashioned, and that about 50 per cent are occasional drinkers.

It is perfectly obvious that in getting up any movement one way or the other, we have got to interest this 50 per cent, this neutral element of the occasional drinker. One of the conclusions of that committee was that so far no legislation whatever has had the slightest effect on the cause of temperance. Now that seems very strange to a man from Maine, but what they had in mind was that temperance is deliberate abstinence from liquor. If you make it impossible for a young man to get liquor in any form, he may or may not be temperate when the temptation is before him.

The National Municipal League is concerned with this liquor question, not as a matter of morals, but solely as an economic question, and partly as a political one, as bearing upon the government of cities, and some years ago it was decided that the League would form a committee to continue the work of the Committee of Fifty, to build upon that as a basis, and endeavor to lay before the people of the country conclusions based upon wide experience by perfectly impartial men, and that these conclusions would form a basis for effective legislation. That committee recommended that the first thing to be undertaken was the discussion of the license question, what authority should directly control the issue of licenses, which is a very important question as a matter of city government. Then later a committee was organized that has not gone far. But in the meantime at the instance of the Russian Government, an International Committee has been formed to consider this subject.

Upon that international committee are some of the most prominent and best men in France and Switzerland and Belgium and in Austria and in England, and the matter was referred to the league in this country to nominate members of the American section. That American section has been formed and Ex-President Taft of New Haven has been made president. John Koren, is Secretary, and has attended two meetings abroad. A program has been settled upon and especially for the American section, and of that program one clause especially fits the work that this league committee is to undertake.

Now I have great pleasure in introducing to you John Koren, who did some of the best work for the Committee of Fifty, as secretary of the international committee, who has recently been in Paris at the organizing meeting of that section, and those who have read the October number of the NATIONAL MUNICIPAL REVIEW and have read his article upon it, will certainly have some rudimentary idea of the application of the question in the United States.

Mr. Koren then addressed the league on the subject, "The Status of Liquor License Legislation."[1]

MR. KOREN: I believe that conditions are not only as bad as I have talked of, but really worse. It is because of that belief we have banded together for the purpose of seeing whether it is not possible to find some better way than the one we have been taking in the United States. There is a large amount of work to be done and it is because the problem is a municipal one that it is eminently proper for this league to make it an object of attack. How far we may succeed, whether we may be able to do anything, depends not so much upon our willingness and eagerness, but upon the degree to which the international committee is willing to support. It is not the work of weeks, but rather the work of months or years. It has taken many generations to build up the structure we have, and it will take us some little time to find out in what respect that structure is weak.

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[1] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 629. This article was the basis of Mr. Koren's address.

Mr. F. S. Spence: I had no special idea of being called upon to discuss this question, but since you have mentioned my name I think I can perhaps occupy in general terms the five minutes that you are limiting people to. In doing so might I just say to begin with that, while Mr. Koren and I would approach this subject from altogether different standpoints, we would practically be in perfect agreement upon nearly everything that he has said. The paper outlines in a splendid form the difficulties that face a community that proposes to deal with this evil on the line that Mr. Koren proposes —permanently—and that, all of us will have to agree, must be applied to it temporarily in all communities of a very large size for some time to come. He suggests that we capitalize experience. Now that has to be done in this question as in other things. He did not mean it to apply to this particularly. He has also very cautiously and wisely warned us against experimentation. A good reformer has to be first a good conservative and to understand the reasons that exist, the history that lies behind it, the merits of the various operations, before he can suggest anything for it.

There are one or two cardinal features in connection with drink that we have had some experience with in this province. In the first place may I say, sir, that in this community the liquor traffic is not a municipal problem—it is not a municipal problem in the meaning that the municipality has anything to do with it. In the province of Ontario there is no municipal organization as such, no municipal council that has anything to do with the liquor traffic in any shape or form, and I think we have succeeded—not perfectly, because we found the difficulties that he has spoken about, relative to enforcing liquor laws—there are always great difficulties in that—but I think the peculiar difficulties here have caused less trouble than in any other place. Now I want to point out the difficulties. We deliberately abandoned city interference with the liquor traffic after trying it for a long time. By the statute law of this province no man who holds a liquor license is eligible for a municipal position. A liquor seller, if he carried it on, must cease to have anything to do with the city government. Now then the administration in the city of the license law is purely a state matter in this province. The peculiar advantage we have in law enforcement may not be practical in the United States at all. It arises to a certain extent out of fundamental differences in British and American methods of government, and one of those differences is this, that in the inception of your organization of government you discriminated between the two functions of legislation and administration and decided they were absolutely adverse and should be dealt with separately, a principle that you have been carrying out in your city, state and community until you have got down to the commission idea and put legislation and administration power into the hands of a commission. Up to that time you kept them separate. In the United States no power that makes laws has anything to do with the carrying out of them. Your representative is not responsible to the house of representatives, but to the people he represents, and the house is not controlled by the president, although he exercises a great deal of influence.

Now we get away from that thing in this community by working out what we call the responsible idea of government, and what we mean by that is that every man who is charged with the administrative side of law must have a seat in the legislative body that enacts the law and be responsible to the men who make the law for the way it is carried out. Consequently we have cabinets. Take for example the Province of Ontario, the

British, or the national Canadian parliament. We have a minister of agriculture, we have a minister of finance, of one thing or another, all carrying out that particular branch of government, but every administrator must have a seat in the legislative body, and if he looses that seat, he looses his administrative position. The result is that every administrator in the Province of Ontario sits in the body of legislators that makes the laws that he administers and sees that they are carried out properly. The administration of license law is a department of provincial government. The provincial legislature passes the license law and when they come to enforce that license law, they do it by representatives that the provincial government appoints. The way they do it is this, there is a license board of commissioners appointed for every district all over the province. We have some eighty of these. These men are chosen by the government. The provincial head of the license department is responsible in the legislative body for the way the license is enforced. Consequently if a license holder in the province of Ontario were flagrantly disregarding the license law, his political opponents would stand up and say, "Mr. Minister, how is it a man who is under the control of your officers in the western part of this province is not carrying out the law?" and the weight of public sentiment and opinion in regard to the license law is brought to bear in regard to every phase of that law in every part of Ontario.

Therefore to my mind you never will have such a troublesome question as the enforcement of the liquor license law properly carried out as long as it is left to the public sentiment of a locality, because the place where you want the best amount of law enforcement is the place where locally the desire to enforce the law will be weakest, and, without giving advice to the people in the United States, our experience is that the method of the absolute control of the liquor traffic through men who are responsible to the central government is best, because that central government is responsible to the representatives of the people who made the laws.

THE CITY MANAGER PLAN

MR. RICHARD S. CHILDS: The committee on commission government presented a report two years ago at the Richmond conference. This report is a supplement of that report. In order that you may understand the whole report, I am obliged to read one or two paragraphs of our old report presented at Richmond two years ago. Perhaps first I should for the benefit of Canadians define commission government. In Des Moines for instance, which is a typical commission governed city, the powers of the city are all vested in a board of five men elected at large. Each one of those five acts as a superintendent of a city department, there being five departments in the city.

I may say parenthetically before that the title of city manager was in use in Staunton, Virginia, and Staunton has acquired considerable fame on that account. Staunton has not had the city manager plan, for behind the city manager stands the old style of mayor and council, and the city manager exists there only on sufferance of the suffragists and others.

Mr. Childs then read the report on "The Coming of the City Manager Plan."[1]

In the general discussion which followed the presentation of the above report, Mr. Bradford restated his belief that the city manager plan is so widely different from the commission plan in principle that it should be separately classed and subjected to the test of time before receiving the endorsement of the National Municipal League.

M. M. Worthington who has been for part of the year city manager of Sumter, S. C. (the first charter position of the sort in the country), read a brief statement endorsing the city manager plan in general terms. Mr. MacKerogow, mayor of Westmount, Quebec, which has a city manager, stated that the plan had been in effect some months there and he believed that it would result in a saving of $25,000. He explained that Westmount was somewhat unique, being in reality a high grade, restricted suburb.

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[1] See NATIONAL MUNICIPAL REVIEW, vol. III, p. 44.

William Dudley Foulke expressed favor for the city manager plan as an ultimate ideal, but had doubts as to the way it would work in a town which was not ready for it. He gave a picture of how he believed it would work in his town, Richmond, Indiana, and pictured the local boss as manoeuvering himself into the office of city manager.

Prof. Lewis J. Johnson, of Harvard pleaded that the preferential ballot in Spokane and Portland, Oregon, had been given insufficient consideration by the committee. He made the same complaint about the initiative and referendum and advocated the Lynn system of election to specific office.

Winston Paul supported the city manager plan on the ground that it would obviate certain difficulties which had arisen in Jersey City, *i.e.*, the difficulty of getting good men to run when they were obliged to abandon their private careers, and the tendency on the part of each individual commissioner to regard himself as supreme in his own department and to resent control by the commission as a whole.

Mr. Childs in closing on behalf of the committee, responded to arguments which had been offered in opposition to the city manager plan.[1]

FRIDAY MORNING SESSION

Friday, November 14, 1913, 10 a.m.

The President in the chair.

The first paper read was on "A Model Municipal Court," by Herbert Harley of Chicago, secretary of the American Judicature Society and a member of the National Municipal League's committee on municipal courts.[2]

The next paper was entitled "Proportional Representation, Preferential Voting and Direct Primaries," by C. G. Hoag, of Haverford, Pa., secretary of the American Proportional Representation League.[3]

This was followed by a paper on "Preferential Voting," by Professor Lewis J. Johnson of Harvard University.[4]

Hon. George B. Burd, state senator, Buffalo, N. Y., then read a paper on "Direct Primaries."[5]

Following the reading of the papers Mr. Hoag conducted an election under the proportional representation plan as advocated by him in his paper and answered sundry questions in connection therewith.

LUNCHEON

Friday, November 14, 1913

At this luncheon over which Robert S. Binkerd, secretary of the New York City Club presided, the question discussed was "How can a small group of high minded, trusted citizens most effectively influence the voters of a city in concentrating their votes where there are a great many candidates for any one office?" The chairman ruled that under this general topic the following phases would be regarded as pertinent: first, the methods of organizing militant political work in cities; secondly, the effect of preferential voting helping such leadership to concentrate its vote upon the candidates for which it stands; thirdly, the effect of proportional representation upon the same. A very animated and interesting discussion followed, the results of which will be summarized for the use of the League's new committee on political methods and possibly for a future number of the NATIONAL MUNICIPAL REVIEW.

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[1] It is the desire of the Editor to have a further discussion of these several most important points in future issues of the NATIONAL MUNICIPAL REVIEW. —C. R. W.

[2] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 57.

[3] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 49.

[4] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 83.

[5] Senator Burd's paper will be digested for a later issue of the NATIONAL MUNICIPAL REVIEW.

FRIDAY AFTERNOON SESSION

Friday, November 14, 1913, 3 p.m.

The President in the chair.

This session was devoted to a consideration of various phases of municipal development in Canadian cities. The first paper presented was on "Economic Housing in Toronto," by G. Frank Beer, president of the Toronto Housing Company, Ltd., read by Mr. Thomas Finlay. The second paper dealt with "Ontario Municipal Methods," by the Hon. W. J. Hanna, provincial secretary of municipal affairs. The third paper was on "Ontario's Publicly Owned Hydro-Electric System," by P. W. Ellis of the Hydro-Electric Commission. The concluding address was on "The St. Lawrence River and the Great Lakes—Harbors and Navigation" by F. S. Spence, a member of the board of harbor commissioners, Toronto, illustrated by lantern slides.[1]

There was an interesting discussion of several of these papers by the delegates, especially the one on "Economic Housing in Toronto." Following the presentation of the papers A. Leo Weil, Esq., of Pittsburgh, presented the following resolution:

> *Resolved*, that the thanks of the National Municipal League are hereby gratefully extended to its hosts, the Mayor and Council of Toronto, to the Board of Trade of Toronto, the Toronto harbor commissioners, the Municipal Improvement Association and the Trades and Labor Council of Toronto for their courtesy and kind hospitality and their promotion of the comfort and enjoyment of all who have attended the nineteenth convention of the National Municipal League.

MR. WEIL: In making this motion I know that I voice the sentiment of all who have attended the meetings in stating that we shall return home with a lively recognition of the pleasure we have had in our brief sojourn in the city of Toronto. Many of us will go home with friendships here formed, and, speaking for the civic secretaries, I may add perhaps the very fastest friends. When we shall return we shall do so with the assurance that while we live on one side of the border and they on the other, we are still one; one with equal hopes and fears, one in our problems and ambitions and ideals, one, I hope, in respect and affection.

The resolution, duly seconded by Robert S. Binkerd of New York, was unanimously carried, the chairman adding: "I am sure there is a great deal of heartfelt meaning behind the adoption of this resolution."

DINNER

Friday evening, November 14, 1913, 8 p.m.

A dinner was tendered the members and delegates of the League by the city of Toronto, his Worship, H. C. Hocken, the mayor of the city, presiding. After formal toasts to the King and the President of the United States, W. P. Gundy, vice-president of the Board of Trade proposed a toast to "Our Guests," which was responded to by the Hon. William Dudley Foulke, president of the League and by W. D. Lighthall, K. C., honorary secretary of the Union of Canadian Municipalities. Mr. Foulke dwelt upon the common interests of the two countries and of the value of studying the municipal problem from the basis of this common interest. He pointed out that they had much to learn from one another. Mr. Lighthall paid a graceful compliment to the work of the National Municipal League, saying:

The address of President Foulke, to which we have just listened, was such a treat, so beautiful a deliverance, uttered with such masterly charm, that I am glad for your sakes that its memory will linger undispelled by the quality of any few remarks I have to make.

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[1] These Canadian papers will be published in a future number of the NATIONAL MUNICIPAL REVIEW. The discussion of the paper on "Economic Housing" will also be published in the April issue.

As one of the Canadian guests I thank the city of Toronto for the opportunity of being present at this magnificent convention—magnificent as an intellectual gathering, magnificent in its assemblage of practical forces, magnificent in the results which will flow from it as they do from each of the gatherings of the National Municipal League. Those of us who attend many conventions know that none are equal in serviceable quality and completeness to those of this great association of the leading scholars, the leading chiefs of reform and the leading practical authorities. I thank this city also for the opportunity given me, as representing the Union of Canadian Municipalities, of rendering the tribute of acknowledgment due by the cities and towns of the Dominion to this League for many valuable services. Let me illustrate by what has frequently happened. One of those brilliant new cities of our west—some of which are already large and well developed and others have a great future—proposes to undertake some particular form of, let us say, commission government, or of referendum and recall. An urgent letter comes to my office from it requesting all possible advice and information. In preparing the answer, one of the first quarters we turn to as a source of reliable and well arranged facts is the publications of the Naional Municipal League. In this way it has had a notable share in forming the basal institutions of many great communities. And speaking for the Canadian cities and towns, I take this occasion also to render thanks to the men who are directing the League and its work. To men like Clinton Rogers Woodruff, the courteous, tireless, honorable, vigorous secretary, the soul and mainspring of the League; to presidents like those devoted and distinguished statesmen, the Honorable Mr. Foulke, and his predecessor Charles J. Bonaparte; to members like Lawson Purdy, the world's greatest authority on taxation; Delos Wilcox, who holds a similar position on franchise; Horace McFarland, whose determined zeal saved Niagara Falls from obliteration by power trusts; Mr. Kidder, Mr. Burnham, and others like them, we pay deep and sincere tribute. There are times when a man's friends should tell him the good things they think of him. Likewise there are times when municipalities should say to men like them what a debt is due to them. And one of those times is *NOW*.

The toast, "City Builders," was proposed by L. H. Clarke, chairman of the harbor commissioners and was responded to by Clinton Rogers Woodruff, the secretary of the League, and by Robert S. Binkerd, the secretary of the City Club of New York. In the course of his remarks Mr. Clarke spoke of the necessity of the community not only controlling but operating municipal utilities, stating that as a result of his study of the question and of his experience, he had changed his views materially upon this topic. Mr. Woodruff called attention to the newer thought involved in modern city building in which not only the relation of the city and of the users and occupiers was considered but of the community as a whole. In other words the idea of the fatherhood of the city had come to be insisted upon to a larger degree than ever before. Mr. Binkerd followed in the same line of thought and showed how the various powers of the city were used to promote the common welfare of the whole community.

The toast, "The People They Build For," was presented by Mr. James Simpson, representing the Trades and Labor Council, in which he contrasted the attitude of European cities with that of American cities toward municipal problems and emphasized the need for social work, especially in the direction of playgrounds and parks and other facilities for the wholesome recreation of the whole people. This toast was responded to by Addison L. Winship, the secretary of the Boston City Club, who described the work of that organization in bringing together all classes of people upon a common basis of fellowship and citizenship.

SATURDAY MORNING SESSION

November 15, 1913, 10 A.M.

President Foulke in the chair.

The paper of Richard W. Montague of Portland, Oregon, on "The Oregon System" was presented by the secretary.[1]

Dr. Delos F. Wilcox then presented the report of the committee on franchises.[2]

THE PRESIDENT: The paper of Guy C. Emerson[3] as well as some matters connected with the report of the committee on franchises will be discussed by Winston Paul, secretary of the Citizen's Federation of Hudson County, N. J.

MR. PAUL: My duty this morning is to act more or less as a "devil's advocate" to test the report which has just been presented to see if any holes can be drilled in it. It is such a large report and covers so many phases that I wish to confine my remarks primarily to one particular phase. That is the matter of relative value of local over state regulation of public utilities. The report of this committee is not a report in favor of local regulation and control of public utilities; it is not in favor of doing away with the state control, but it is a report for the combination of these two methods. When I say the effort of the committee is to combine the good points and good parts of both questions, I would point out that in an effort to combine the good points you may possibly be combining the difficulties and obstacles of both regulations. I believe that there are certain cities which cannot properly regulate and supervise their own utilities. There are certain small cities which cannot do it for two reasons; first, because being small cities the utilities there might be a railway service connecting one city or one town up to a group of cities or towns; secondly, because the expense of regulation would be too great. In the cities with which I am familiar, the municipal government would not be an effective weapon for really controlling the situation. In other words, the condition of affairs in our cities would be less effective than state regulation. In the case of large cities I want to point out one fact, and that is this, that it is frequently the case that the corporate limits of the city do not include in its boundaries all the people who are actually dependent on that city for their livelihood and from which city they must come by street railways, and get their gas and electric light. In addition some state regulation would have to be superimposed to take care of the actual residents of that city. So as far as the state commission is concerned, I would point out that this report does not advocate the abolition or doing away with the state commission. It simply suggests the addition of certain local regulation and supervision.

It is said the state could loan its experts to the city, but I would point out that in that event we would find that decisions made by the city would be taken by the people and the public utility corporations to be in effect decisions of the state.

The second thing I would like to call attention to is that any effort to regulate rates or services and anything of that kind must always be by due process of law and this result can be secured just as well by decision of a state board as by a local board. The local board would be under two difficulties, either of being an interested party and of being biased, or else it might be charged that being an interested party it would lean backward.

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[1] This paper will be published in full in the April issue of the NATIONAL MUNICIPAL REVIEW.

[2] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 13, for report on "Municipal Home Rule and Public Utility Franchises."

[3] See NATIONAL MUNICIPAL REVIEW, vol. ii, p. 571.

Mr. Emerson's paper I think shows a very interesting view point on this question as to whether or not we were getting a higher grade of efficiency and maintaining a higher state of efficiency in our public utilities by state regulation than by local regulation. I think Mr. Emerson has very clearly stated the difficulties of getting efficient management in any public utility owned by the municipality. It is so much under the local control, so susceptible to the influence of labor unions who are opposed to efficient management, that it is more difficult in my mind to enforce the high standard of efficient management under local control than it would under state control.

I wish to address myself just to one point very briefly that Dr. Wilcox brought out; that is this, that the corporations are all standing back of the movement for state control. I presume Dr. Wilcox meant that as a reflection upon the state control proposition. I would say in reply to that that it is no more than natural that the public utilities should do that. They naturally prefer one group of regulators to a dozen groups or commissions which may be handing down diverse and different decisions. It is much easier for them to regulate their work in accordance with one fount of authority than with twelve.

In the last place, shall we have local control with home rule, or shall we have state control with efficiency. It seems to me we might be able to steer a middle course between the two and I believe it has been the intention of the committee to do that. At the same time we are stepping on a picket fence with sharp points when we try to divide this responsibility.

Mr. Stiles P. Jones: Minneapolis, I have been on several occasions inwardly moved to break into song during the course of this convention, but have discreetly refrained until this time. On this occasion I must fail. There are two subjects in the course of some years of study and investigation and militant action in municipal affairs, I have found on which people or municipalities in order to draw correct conclusions must have the facts, general facts, fundamental facts and local facts. Those two great subjects are the regulation of the social evil and the regulation of public utilities. In the regulation of the social evil, we find that any man on the street can tell you just what to do with it. In the regulation of public utilities we find a large number of people can tell you off hand just how to do it. We in Minnesota are leading a revolt against the general tendency to take away every vestige of home rule from our cities irrespective of the conditions, political or otherwise, in state and municipality and vest those powers in a state bureau.

We have been working under the name of the Minnesota Home Rule League for six months to obtain the facts. I believe that that organization is the first in the United States of its kind that has organized to obtain facts. Individuals have done so, but I know of no organization. We believe we have such facts on which to base intelligent conclusions. We are prepared to state those conclusions and have so stated them.

We have headed off the movement in Minnesota for immediate action in this question. The state administration backed by the public utility corporations sought to put an act through the legislature of 1913 similar to the Wisconsin act. It failed in both houses. The governor immediately announced that he would call a special session for October to pass the legislation. There was no demand for this from any community or from any disinterested individual in the state. Repeated challenges failed to produce a single community or a single disinterested individual to appear as a proponent. It was a state political machine public service corporation move. In passing let me say that the Minnesota cities in my opinion have achieved the most efficient regulation of public utilities of any cities in the United States.

I think I can challenge any series of cities in the same class in any state in the United States under state regulation rule to meet us in the matter of rates and character of service. Now, that has been achieved through the local legislative body backed by public sentiment. The state itself is the weakest political unit we have, the least influential, the most unbusinesslike, the most corrupt. The cities are the strong units. The Minnesota Home Rule League met the arguments against this proposition, against the special session before the house and senate committee. The senate committee surrendered. A large majority came over to our side simply through the presentation of the facts in the case.

I do not care to go into the details of Mr. Wilcox's paper. In most of its essentials the committee has struck the right note. In some details and important details it has not. In my opinion the committee has left the situation in a very confusing position. When you come to try to justify a mingling of local regulation with state regulation, as Mr. Paul has called attention to, you are in danger. Now, that is the weakest part of the committee's report. I believe they have not cleared up that situation properly. It has left us in the air.

The investigation of the Minnesota Home Rule League covered the whole of the United States with particular reference to Wisconsin which is supposed to have achieved the greatest success in this regard. Those conclusions I am going to read to you. These are not the official conclusions of the organization, but its unofficial conclusions as interpreted and stated by myself. These are short and do not go into many phases of the subject at all.

1. That the corporations to come under the regulation system are in nearly every case the inspiration for the movement for state regulation and largely responsible for this legislation.
2. That they have sought to rule the law and when unsuccessful to modify it as much as possible to their own interests.
3. That they have used every influence to secure the appointment of state commissioners of men favorable to their interests.
4. That they have transferred their political activities from the city to the state.
5. That this legislation has been passed in practically every case without its being an issue with the people and with no knowledge either on the part of the people or of the legislatures of its results in other cities where it has been ineffective. Legislatures have the testimony only of members of the commissions and other interested parties.

Let me say here that in every case (I don't think there is an exception) this legislation has been passed with the people and the legislatures in absolute ignorance and without any demand from any disinterested source. The interested parties have gone to the states picking them off in detail, raising aloft the banner of Governor Hughes of New York, Woodrow Wilson of New Jersey, Bob LaFollette of Wisconsin, saying it is a good thing for these states and a good thing for every state; if men like Hughes, and Wilson and LaFollette will stand for that proposition we ought to, absolutely ignoring the difference in conditions in New York, Wisconsin and New Jersey.

6. That the commissions have been selected with few exceptions without regard to their special fitness for the work to be done, and they are selected with views alone of their political usefulness to the state administrative.

I will state and state decidedly that there is not one commissioner in ten taking the states that have this legislation, who was originally fitted technically for this work.

7. That however general these commissioners when called originally, corporation commissions have eventually come under the control of the public utility interests.
8. That their work generally has been neither scientific nor in the public interest.
9. That on the question of rates and service they generally have failed to serve public interests.

10. That they have developed despotic tendencies and use their power constantly to gain more power until the local communities have lost every vestige of control over their utilities.

That is the situation in Wisconsin today and there is a revolt on in that state.

11. That the effect on local citizenship has been disastrous. The citizen has lost initiative and his capacity for self-government has been greatly diminished.

12. That cities and states under state regulation do not have better service and lower rates than in cities of the same class in other states; on the contrary, paying higher rates and getting inferior service. That is the situation in Wisconsin as against the situation in Minnesota.

13. That the indeterminate franchise, one of the most important features of so many public utility lines is deliberately designed to make existing franchises perpetual.

I might add that our investigations show that one of the main purposes of this legislation is to head off the strong tendency going through the United States towards municipal ownership of public utilities. They have found that is the result in Wisconsin and they believe it will be the result in every state. The time has come for getting facts.

The Minnesota Home Rule League, reinforced by the facts in hand, purposes to call a western state conference in Chicago some time this winter to discuss the various phases of this legislation, to aggregate the information, to get all the light possible, for the first time to find out what the results are to the states both as to rates, services, as to the effect upon the communities, upon citizenship, to aggregate that information and to get facts on which they can draw a conclusion as to a proper course for the future. The Chicago people are intensely interested. The law in that state in its application to public utilities was a blistering outrage.[1]

The Iowa parties are interested also, and from Wisconsin comes the word that they are with us. They have found out where they are drifting and they will join in the movement to get at the facts on which to base a course for the future in this important legislation.

Mr. George Burnham, Jr.: I want to make one suggestion in regard to Mr. Jones' remarks. I think he said that all the public service commissions had been instituted not from public demand, but really from corporations.

Mr. Jones: Practically in every case.

Mr. Burnham: In Pennsylvania I think that is not so. The commission there was due to a very strong public demand. You will remember the Progressive party carried Pennsylvania. Dean Lewis of the University of Pennsylvania, a very ardent Progressive, framed our law on that subject. We had a public service commission composed of gentlemen who had no power whatever; they simply acted in an advisory capacity. We supposed in Pennsylvania that was a conscious pandering to the public demand. Then in compliance to this public demand we now have a public service commission with such power to fix rates.

Mr. Jones: Mr. Burnham, do you know the character of the Pennsylvania act?

Mr. Burnham: I am not familiar with its details.

Mr. Jones: It is the worst law in the United States.

Dr. Pollock: I would like to confirm what Mr. Jones has said with reference to the New York public service commission. I have watched with great interest the work of the up-state commission and I have been very much disappointed in its operation. I believe most of the people of the state would gladly do away with the commission if it were possible to do so. It seems that the commission was largely in the hands of the public utility corporations or at least sympathetic, and that an inferior grade of men who are under the control of the bosses, are being appointed to such commissions. During the first year of the operation of the commission we had great hope; they did some good work, but for the last two years their operations have been greatly disappointing. We find that the commission has been over-diligent with petty matters and are more ready to take up the petty things than the larger questions that come before them.

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[1] See National Municipal Review, vol, iii, p. 28.

I would like to ask Dr. Wilcox one question, whether he regards the public service commission as the ultimate instrument to control the public utilities, or only as an expedient leading towards ultimate public ownership?

Dr. Wilcox: Personally I go the limit. I believe that time will come when all public utilities, both local and state, will be owned by the public. I believe that the public service commission is a necessary instrument of government to harmonize the operation of public utilities going through different communities in the state. I believe that the public service commission is a necessary instrument of government for the regulation of utilities while they remain in private operation, but that if it fulfills the proper function it will be preparatory to public operation of public utilities.

The league then adjourned sine die.

Clinton Rogers Woodruff,
Secretary.

NATIONAL
MUNICIPAL REVIEW

VOL. III, No. 2 APRIL, 1914 TOTAL No. 10

PUBLIC OPINION

BY WILLIAM DUDLEY FOULKE
Richmond, Indiana

PUBLIC opinion is a very indefinite and often a very mysterious thing; it is quite intangible and invisible, yet on many occasions it is irresistible. It resembles the currents of the air; it is sometimes soft and gentle as a summer breeze; sometimes terrible and destructive as a hurricane. It won the stern empire of Rome to the meek religion of the Nazarene and it set France aflame with the red terror of the revolution; it armed all Europe for the recovery of the holy sepulchre and it stirred the heart of America to strike off the shackles of the slave. Slowly and painfully we can arouse it and persuade it but in its wilder moods we can do little to calm its violence. We must fain take the attitude that science takes before one of the great forces of nature, not opposing it, but harnessing it to sail or engine or dynamo and curbing its power for evil as men direct into harmless channels the lightning from the skies. Pervading all humanity, it is the ultimate source of our social and political institutions and the things we do to control it and to direct it are the only ultimately effective things we can accomplish in popular government.

In the October issue of the NATIONAL MUNICIPAL REVIEW, there is an interesting history, by Mr. George R. Nutter, of the recent Boston charter. From this it appears that, during the administration of Mayor Fitzgerald, a finance commission of seven citizens disclosed such extravagance and waste that the mayor was defeated for re-election while the commission prepared with great care a new charter much in advance of those existing in other large cities, which when submitted to the people was adopted. But at the first election thereafter, Fitzgerald, the discredited mayor, was again elected and the only relief against his questionable appointments was found in the state civil service commission, which, being authorized by the charter, declined to confirm many of the men he nominated because they were not experts as the charter required. In other words, the chief redeeming feature of the new charter was the interference of a state body in violation of the salutary principle of home rule for cities.

Now why was this? It was evidently because the state civil service commissioners stood for a higher standard of political duty than the mayor, elected by the citizens of Boston.

The halting and uncertain measure of the charter's success is due not so much to any defective provisions as to the defective character of the constituency. The author of this interesting article explains that the Boston electorate had been for some time "in an elementary condition in its conception of the requirements of municipal government" and that the citizens had no very clear standards on the subject. He attributes this very largely to the heterogeneous character of the population where there is not only the chasm between rich and poor and between different races but also much local feeling between different sections of the city, while the substantial business men live in the suburbs and can take no part in the government.

There are threatened attempts to repeal or weaken the charter by new legislation and Mr. Nutter concludes with the observation, "The only thing which will be beyond the powers of the legislature will be the spirit of the people. If this develops a certain and definite standard of public service as it now seems likely in course of time to develop, it will either prevent any change in the charter or may continue to live under any changes which the vicissitudes of politics may bring."

This Boston experiment illustrates extremely well the relation between the mere form of government of a city and that vital public opinion which is essential to permanent excellence and efficiency. A good form of government counts for a great deal and one of its most important features is to enable public opinion to make itself felt with greater ease.

But no form of government, however excellent, can of itself give a good city administration. That must always depend largely on the men who fill the places and these again depend, both as to their qualifications when chosen and their conduct afterwards, upon what is demanded of them by public opinion. It is the character of the citizens and not the framework or machinery of government which is the chief factor in determining the character of a municipality.

Public opinion, as I take it, represents the average of what men believe and how they feel upon a given subject within a given social unit. It is the result of the action and reaction of the thoughts, feelings, wishes, prejudices and determinations of individuals.

It is a controlling force in human society. "Custom," as Pindar says, "is king over all mortals and immortals," and custom is the creature as well as the expression of public opinion. It is often strongest in primitive communities, stronger, indeed, than the fear of suffering or of death. It compelled the young Indian brave to submit to voluntary torture and to bear unflinchingly the most excruciating agony. It long induced the Hindoo widow to burn herself upon the body of her husband. It established the elaborate usages which constitute our common law. We imagine that our courts are less influenced by it than any other department of government and yet Dicey in his "Law and Public Opinion in England" shows that during the past century they reflected in their decisions the prevailing trend of popular conviction, of toryism from 1800 to 1830, of individualism from 1825 to 1870 and of collectivism from 1865 to 1900, and this, too, often in advance of the action of Parliament. No one can have followed the decisions of the Supreme Court of the United States without recognizing the large influence which the prevailing trend of public opinion has had (often, no doubt, unconsciously) upon its decisions especially in regard to the progressive interpretation of the Federal Constitution. The dogma that this instrument speaks with the same voice as when it was written has yielded to public necessity and public demand.

And frequently public opinion overrides the law itself. It not only changes legislation and modifies or overthrows the institutions of the past but at times it disregards, defeats and nullifies the existing provisions of our statutes.

Although some form of public opinion exists everywhere and at all times, it is by no means constant in its action. Sometimes it is dormant. Governments may continue for generations which are tolerated rather than approved. Sometimes it is suppressed by force and it may long be intense and bitter before it finally breaks forth into action, as under the old regime in France before the outbreak of the revolution. There have been very few periods in history in which it has been more prompt and effective than the present time, at least in those countries in which civil liberty exists, and nowhere is its control more complete than in America.

While many of its eddies and cross currents are difficult to follow, there are certain general tendencies of public opinion at the present time which are unmistakable. The extreme individualism which prevailed a generation ago has been giving way on this side of the water as well as in England to a collectivism involving larger powers in the state and municipality to be exercised for the common benefit, and the regulation of many things by government which we used to consider beyond its legitimate sphere.

What are the sources of public opinion? How is it propagated? It may grow spontaneously or it may be designedly created and stimulated. It may be disseminated by private conversation between neighbors in the home or on the street or at the village store; or by public speaking, in the lecture room, in the pulpit or on the hustings; it may be developed in clubs or in voluntary associations, many of which have been organized (like anti-slavery societies or civil service reform leagues) for the express purpose of propagating it; it may be traced to discussions in caucus or convention or legislative body or it may be disseminated in party platforms or public resolutions; it may be propagated through the agency of the drama or by literature in songs or novels, in pamphlets, treatises and particularly by periodicals and newspapers. The press, indeed, is believed to be the most effective instrument for its dissemination. Under the "great editors" from Franklin to Greeley, our prominent newspapers were to a large extent the leaders of public thought. Emerson thus describes some of the achievements of the *London Times*. "It adopted a poor-law system, and almost alone lifted it through. When Lord Brougham was in power it decided against him and pulled him down. It declared war against Ireland and conquered it. It adopted the League against the Corn Laws, and, when Cobden had begun to despair, it announced his triumph. It has entered into each municipal, literary and social question, almost with a controlling voice."

At the present time, the power of the editorial columns of our daily newspapers has greatly diminished. Benjamin F. Butler was repeatedly elected governor of Massachusetts against the overwhelming opposition of the press of the state. On several occasions the Tammany candidates in New York City have been elected when almost the entire press of the metropolis was against them, and I can recall, in my own experience with a newspaper in a small city, occasions when the public caught like tinder some question I urged upon their consideration and other occasions when I would hammer away day after day on what seemed to me, an equally meritorious cause and apparently secure no result at all. It is often a tedious process, even under favorable conditions, for a new idea to percolate all the different strata of society and saturate the whole and when some of the soil is as impenetrable as clay, the task seems well nigh hopeless.

Public opinion is now influenced more by the facts contained in the news columns of the papers than by their editorials, and the editorials themselves are most effective when they present facts rather than mere arguments. The reader likes to do his own thinking. But even in the news columns the method of presenting the news and the failure to give both sides fairly and impartially may have just as powerful an effect as the best reasoned articles. Honest journalism is, therefore, of the utmost importance in the formation of a sound public opinion and the loss of influence which our newspapers have suffered may be due in great part to the fact that the public has less confidence than it used to have in their sincerity and impartiality. This is not confined to the mere party organ nor to the so-called "yellow press." In quite a different class of newspapers there is a feature which inspires mistrust. The public does not know who is really in control. A large amount of capital is required for our great metropolitan papers and the men who own them are usually connected with other large interests. They are often stockholders and perhaps directors of railroads and banks and vast industrial concerns which are seriously affected by many public movements. The public insists that the newspaper shall advocate reform measures; the interests of the proprietors demand that certain special great enterprises shall remain undisturbed; hence, news is perverted and arguments are twisted so as to give the appearance of patriotism and public spirit without its real presence. It is the fact that these motives and interests are concealed which is the real source of evil. The public has little to fear from the advocacy of anything by persons whose purposes are well known, but the secret control of a paper by some unknown power or its use of news furnished by a news bureau, similarly controlled, may well corrupt that public opinion which lies at the foundation of all popular government.

For instance, there was a bureau which furnished arguments against municipal ownership of public utilities for the purpose of protecting and promoting the particular enterprises in which those connected with the bureau were interested. This bureau would pay newspapers advertising rates for articles to be published as news matter in violation of the first principle of journalistic ethics.

During the investigation of the great life insurance companies of New York some of the companies, through a "telegraphic news bureau," sent paid items in their own favor which were fraudulently published as impartial news.

The "Jennings News Bureau" in Ohio acted for the Standard Oil Company. John D. Archbold of that company furnished Senator Foraker with $50,000 to buy the *Ohio State Journal*, an enterprise, however, which came to nought. The Standard Oil Company actually subsidized other publications directly.

When things like these come to the surface of the stream one wonders how many similar facts may lie concealed within its depths.

The large advertisers in our most important newspapers have often secured the suppression of injurious facts in regard to themselves or to institutions with which they are connected.

These abuses infect free government at its fountain head, and newspapers, which are themselves the instruments of publicity, ought to be required both by public opinion and by specific law to furnish not only the names of all who are responsible for what is contained in their columns, but also, if demanded, the business connections of their directors and managers. Moreover, the furnishing of news by interested parties without disclosing such interest should be prohibited and visited with appropriate penalties. Just as running water is purified by the air so public opinion and human character itself are purified by publicity.

It is not the mere number of individuals who hold to a certain opinion which alone determines its power and effectiveness. It is quite as much the intensity of their belief and feeling. The power of public opinion is like the force of a striking body which depends even more upon its velocity than upon its weight or mass. The number of abolitionists in the early days of anti-slavery agitation was small, yet the intensity of their zeal finally overcame all obstacles. At the time of the American revolution from the British crown, opinion in the colonies was at times pretty evenly divided so far as numbers went but the intensity of the feeling of those in favor of revolution carried the day. If public opinion be sufficiently general and sufficiently intense it will overcome every obstacle and its omnipotence will justify the saying that "the voice of the people is the voice of God."

It used to be said that democratic institutions were only adapted to small areas and communities of limited size. In the United States, however, we have found that the public opinion of the nation at large is more reliable than that of smaller sections. Wherever our whole people have had a chance to express a deliberate conviction extending over a considerable period of time, they have rarely gone wrong, while the temporary gusts of passion and prejudice in smaller communities have led to results that are often ridiculous.

While our government, therefore, ought to be finally amenable to public opinion, the expression of this opinion should not be unduly hastened and, on the other hand, even necessary reforms should not be prematurely foisted on a community not yet prepared to receive them.

Although public opinion in a general way may be said to control in the long run the political conduct of every representative government, yet it is sometimes ineffective because it is badly informed or on account of defects in the methods of representation. The people are often mistaken not only in regard to public questions but still more frequently in respect to the views, the intelligence and the character of the man selected to represent them. He may disappoint them by supporting measures they do not approve, especially as to questions which have arisen since his election. He may not have the ability to do the things they desire; he may be tricked into a false course; he may lack the determination to resist the pressure or influence of others, or he may betray his constituents in consideration of some advantage to himself. No constituency can always foresee what its representative will do, especially if he be a man hitherto untried. To remedy this defect it is proposed to recall the representative by popular vote if he fail to give satisfaction. The remedy is a cumbrous one, involving as it does a petition signed by a considerable proportion of the whole constituency and then an election. It is more practical in cities, however, than in larger units, such as states and provinces, and it has already been tried with more or less success in various municipalities. One objection is that the liability to be recalled may well discourage men of independent views from running for office and may thus lower the character of the representative body though it will certainly make the representatives more amenable to public control.

The ignorance of the public regarding the candidates to be chosen is naturally greater when there is a large number of such candidates. The voter rarely knows anything about the qualifications of more than a very few and he is thus often driven into blind support of a complete party ticket. This evil has become very great in many places where the official ballot is of enormous size, sometimes containing scores or hundreds of names. Many offices are filled by popular elections which are not at all representative but purely administrative and should be filled by appointment. In this respect England and her colonies are much more fortunate than the United States. Here in Canada you vote for comparatively few persons and you have, therefore, better means of knowing the qualifications of your representatives. The short ballot, as we call it, is the appropriate remedy for this defect.

In order to supplement the very incomplete knowledge which constituents usually have of the men they vote for, associations are formed under the names of "Voters' Leagues," "Civic Leagues" or what not, to make an investigation of the records of the different candidates, the results of which are published in the daily press or in pamphlets or posters circulated shortly before the election. These have been found very useful in large cities like Chicago, where they often constitute the only source of information of large numbers of voters. If these voters' leagues are composed of patriotic and disinterested men, skillful in making inquiries, they are of immense service. They might, however, be positively injurious if interested influences should garble the reports. This has not been the general experience up to the present time and the public confidence in the high reputation of the men in charge of these leagues has hitherto been a sufficient guarantee of the trustworthiness of these reports.

But even if a constituency were perfectly informed as to its candidates it would still sometimes happen that very many persons in that constituency, perhaps a majority, would not get the man they wanted. They might have merely a choice between objectionable candidates forced upon them by party conventions controlled by intrigue or corruption.

To remedy the evils of such conventions direct primary laws providing for popular elections for the nomination of candidates have been enacted and the system is rapidly spreading. Undoubtedly a primary election gives the body of the voters a better chance to get the man or men they want than a delegate convention. Yet here, as well as at the final election, misrepresentation frequently results from the fact that candidates are commonly selected by a mere plurality vote, and thus it often happens that where there are several candidates, one who is unpalatable to a majority of the constituency is selected. A candidate ought to be chosen by a majority and not by a mere plurality. This is done in Germany by holding two elections, the second election being between the two highest candidates. But the need of a double election can be obviated by a preferential ballot in which a voter may name his first choice, second choice, third choice and so on and if there be no majority among the first choice votes then the second choice votes are added and then the third choice, etc., until a majority be reached. Thus a candidate really objectionable to the greater number of the voters could not be chosen. This has been developed scientifically with great accuracy where the votes can all be assembled in one place as they can be in the ordinary city election. It is perhaps not necessary, however, to attain extreme accuracy. For practical purposes the same result will, in most cases, be secured by the simpler plan of casting the second choice votes for the two highest candidates of the first choice, etc. The preferential ballot in one or another of its forms has been adopted in several cities in the United States.

Representation in city councils or other legislative bodies being generally by wards or districts, it often occurs that a majority of close districts may favor persons or policies opposed to the wishes of a majority of the entire community and misrepresentation follows. This result is sometimes accentuated by the gerrymander where districts are formed by the action of a party or faction for the express purpose of perpetuating its power even against the popular will. If, on the other hand, a council or legislative body is chosen by a mere majority vote of the people at large, one party or faction will have the unanimous voice in the council and there will be no minority representation to watch abuses or check the will of those in power. These evils can be remedied, as they have been in Switzerland, Belgium, Finland, Denmark, Tasmania and parts of Australia and South Africa by a system of proportional representation. This system seems particularly well adapted to municipalities where the division of a representative body into small and independent groups to which it may lead is less undesirable than in state, provincial or national affairs.

Another defect in representation results from the nature of representative government itself. Every candidate represents a certain aggregate of views upon various subjects. Many of the voters agree with him on some of these and differ from him on others. They must, therefore, support a man who will misrepresent them on certain questions, and the aggregate may often involve a misrepresentation of the opinion of a majority of the whole constituency upon these particular questions.

The only remedy for this defect would seem to be direct legislation by the body of the people—the initiative, to compel the enactment of laws which the people want but which the representative body fails to pass, and the referendum to defeat laws that the legislative body actually enacts but which are not desired by the community.

To secure the action of the whole electorate by means of a popular vote involves much labor and expense and should only be undertaken where the questions involved are important and a substantial proportion of the voters petition to have them submitted. The initiative and referendum, however, can be more conveniently applied in city governments than in those of states or provinces because the electorate is smaller and more compact. These measures would, therefore, seem to furnish a suitable stimulus to legislation which the voters desire and a wholesome restraint upon legislation to which they are opposed and are, perhaps, even more valuable by their indirect control of the legislative body than by their direct action in the making or prevention of particular laws.

But even if our machinery for putting into effect the popular will were perfect; even if our city governments were to do exactly what the people desired them to do; yet if the citizens should not desire the best things, the government might still be a poor one. It is only partly true that inefficient government is due rather to badness of methods than to badness of men. The illustration given by Boston shows us that even after bad methods have been largely eliminated and the machinery has been very greatly improved the results are still unsatisfactory, while if this improvement were made in the civic character of the people a commensurate improvement in government would be sure to follow. I believe the excellence of the German cities is not due so much to the fact that the form of government there is better than elsewhere as to the fact that the Germans, by their thorough education, their habits of orderly obedience developed by their military training and by their experience in self government under a system of municipal home rule established by Von Stein a hundred years ago, now form bodies of citizens that are perhaps without equal anywhere else in the world for the performance of the duties of municipal government. It has been a slow growth with them and it will be a slow growth with many of the communities in the United States, which are now so far behind, a growth in the development of a strong and wholesome public sentiment.

How shall we develop that sort of public opinion? I have no specific or nostrum to offer for making people good. The churches have been working for nearly two thousand years along this line and yet their efforts have not been crowned with very complete success. How can we hope to do much in a decade or in a generation? There are, indeed, a few evils of government which we can lessen or eliminate by removing the temptation to commit them. The evil of coercing or buying votes can be greatly diminished by the Australian system so far as that system really provides a secret ballot; the evil of distributing public places as spoils can be in great measure corrected by the competitive system which eliminates the possibility of using such places for personal or party purposes. But these are exceptional instances and the mere removal of temptation does not of itself strengthen human character.

The development of a sound public opinion must depend largely upon education and training, especially in those things which develop civic virtue. To do this work thoroughly it should begin at the kindergarten and greater emphasis should be placed on character building in the things which make a child an honest, truth-telling, courageous, public-spirited and self-denying man and citizen, than upon other branches of instruction. He must have command over his own spirit and the will to do things he dislikes to do if he would perform properly, in maturer years, those public duties which often demand the greatest self denial and self control. This kind of education must continue through every grade, through the common school, the high school, the college, and the university. Wholesome results will follow, though they may not appear until the new generation takes the field. Indeed, I suspect that the influence of our universities on public opinion to-day is far greater than appears on the surface, although that influence may not be manifest for a decade or a score of years after it has been exerted. Let us do all we can to see that this sort of education is conducted with German thoroughness. Let the curriculum embrace more and more (as, indeed, it is doing to-day) those things which fit the student for civic duties. And let us endeavor to create, not only in the young but in all our fellow citizens a lofty ideal for the community of which they form a part. While we consider carefully all matters of material advantage—broad clean streets, wholesome food and water, perfect drainage, careful health protection, adequate housing, good education, beautiful parks, harbors, boulevards and public buildings as well as the development of industry and acquisition of wealth, let us consider these things not for themselves alone but as the expression of a loftier soul and a nobler purpose in the whole body of the commonwealth in caring for the common welfare. Let us realize that after all it is the spirit of a city and not its mere flesh and blood which constitutes its chief excellence.

What makes a city great? Huge piles of stone
  Heaped heavenward? Vast multitudes who dwell
Within wide circling walls? Palace and throne
  And riches past the count of man to tell,
And wide domain? Nay, these the empty husk!
  True honor dwells where noble deeds are done
And great men rise whose names athwart the dusk
  Of misty centuries gleam like the sun!

In Athens, Sparta, Florence, 'twas the soul
  That was the city's bright immortal part,
The splendor of the spirit was their goal
  Their jewel the unconquerable heart!
So may the city that we love be great,
  Till every stone shall be articulate.

THE OREGON SYSTEM AT WORK

BY RICHARD W. MONTAGUE[1]

Portland, Oregon

IT IS the purpose of this paper to report some facts about the operation of the "Oregon System" in Oregon. Limitations of space make it impossible to relate all the relevant facts; the limitations of the writer make it impossible to select perfectly typical facts, to give them without color or bias, to exclude opinion. Certain pronounced opinions are, indeed, the efficient cause of this writing; nevertheless I will endeavor to extenuate nothing nor set down aught in malice, and to put the matter in such a way that anyone who is of a different mind may easily winnow the grain of his fact from the chaff of my opinion.

We have in Oregon not only (a) the initiative and referendum, as to state and municipal legislation, but (b) the direct primary, applying to state and municipal officers and as well to United States senators and presidential electors; (c) the recall against elective officers; (d) constitutional authority for proportional representation and the preferential ballot (the latter employed in our chief city); and (e) woman's suffrage. All these are sometimes included in a loose use of the term "Oregon System," which, indeed, has no precise meaning. Direct legislation, however, is the fruitful source, the *fons et origo* of all of them. As Senator Root has pointed out, it is the one institution of them all (except perhaps the recall) which is essentially an innovation, and as the most important and significant of our new experiments in government it deserves most of our attention.

Direct legislation has been exercised in Oregon since the adoption of the constitutional amendment authorizing it, in 1902, and more extensively, it is said, than in any other American state. The period is too short for anything like final or conclusive deductions; but not too short to furnish a preliminary test from observed results, which is more convincing and satisfactory than any from a *priori* theories, however well established. Let us see then what we can find out about how the initiative and referendum do work, in the place where they are most used.[2]

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[1] Mr. Montague, who is a well known member of the Portland bar, has had a wider experience in the work of charter revision than any other person in the city, having been a member of commissions appointed in 1901, 1908, 1911 and 1913, to draft charter for the city. The charter adopted by the people of the city in April, 1913, was the work of the last named commission. He has been active in other branches of public affairs.

[2] Note.—As everyone now knows these two forms of direct legislation consist simply in the submission of a proposed law to the electors for their approval or disapproval. In the case of the referendum, the law is one already passed, usually by the legislature, sometimes by a constitutional convention,—and its taking effect is stayed pending the

One hundred and eight measures have been submitted to and passed upon by the electorate of Oregon since 1902. A detailed analysis of these measures and the votes on them would certainly furnish an instructive study in self government. Even the bare enumeration, which is about all that will be undertaken here, ought to throw some light upon—

1. The soundness and wisdom of the popular decisions on these measures.

2. The character and quality of the legislation thus enacted, not only as to its subjects, but as to its form and effectiveness.

3. The reaction upon the voters; whether the voting has tended to increase intelligent interest in public questions and the capacity for good citizenship.

4. The effect of popular legislation upon the work of representative legislators.

For the purpose of our survey I have divided these 108 measures into three classes, (A) political, or those chiefly concerned with the frame of government and its officers; (B) acts relating to taxation and appropriation or otherwise of an economic cast; and (C) acts primarily contemplating social and industrial regulation. The classification is merely for convenience and no inferences are based upon it.[3]

A. POLITICAL MEASURES

1. *Those Which Passed.* The measures called political, number forty-nine, of which twenty passed and twenty-nine failed. Some eleven of the successful acts may be regarded as integral parts of the "system." These, besides the original initiative and referendum amendment (1), are the direct primary law for state and municipal officers (3), an amendment prohibiting the adoption of constitutional amendments without submission to the people (9), two amendments giving the cities and towns

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vote. In the case of the initiative, the law is one offered by private persons and the vote is the first determination upon it. In both cases the law is placed on the ballot on petition of a certain number of electors, in Oregon not less than 8 per cent for the initiative nor 5 for the referendum. Laws may also be referred by the legislature which passes them. In that case they go on the ballot without a petition, but are voted on in the same way as the others. There are material differences in the degree of disfavor with which the two are regarded by their critics, but they have coexisted in Oregon from the beginning, and I can perceive no difference in the treatment accorded by the voters to submissions of the two sorts. R. W. M.

[3] Note.—Tables appended give the several measures under brief titles intended to express their central purpose, the total vote on each measure and the majority for or against it, and for comparison, some figures relating to the votes cast for officers at the same election. A like table is added for the votes upon measures in the city of Portland, to which only brief reference will be made in the text. Both are brought down to include the elections of 1913 barring a special election in the city in December.

The numbers in parenthesis in the following paragraphs refer to the numbers by which the respective measures are designated in these tables.

exclusive power to make their own charters and extending the right of direct legislation to municipal corporations generally (10 and 12), the recall amendment (28), an act (designed chiefly to express the "sense of the meeting") instructing legislators to elect for United States senator the candidate receiving the highest popular vote (29), the amendment authorizing proportional representation and the preferential ballot (30), the corrupt practices act (31), the law for presidential primaries (63), and perhaps the final adoption of woman's suffrage (67). With three exceptions, to be noted, these are all corollaries of the original purpose of increasing the direct control of the voters over their government—of making democracy more immediate. They are, therefore, bound up with the system, and to draw any conclusions as to the wisdom or unwisdom of popular legislation from their adoption would beg the question.

The three adverted to which are not quite clearly of this description are the corrupt practices act, proportional and preferential voting, and woman's suffrage. Of the first it is to be said that legislation limiting campaign expenditures by candidates and requiring a rigid accounting is approved by almost all thoughtful men nowadays. Proportional and preferential voting are interesting attempts to correct defects in the plurality system, which bring about glaring inequalities, and there is a good deal of high authority in their favor. It is true, I think, of the "people's law" generally that it tends to follow the conclusions of writers and students more willingly than the opinion of the practical politician, to savor rather of the college than of the caucus. The adoption of woman's suffrage after many defeats appears to have been due to the general ground swell of democratic feeling, and (in Oregon at least) to be "manifest destiny."

The other measures which were passed include two (4 and 11) designed to retrieve an early and unfortunate constitutional provision which intrenched the state printer's office beyond control of the legislature over its emoluments (which in the course of time had become grossly excessive); another permitting state institutions to be located elsewhere than at the capital on a favorable vote of the people of the whole state (17), which is a pretty good compromise between the loss of convenience and advantage arising from the inability to place any of them in desirable situations elsewhere, on the one hand, and the vicious logrolling which results when the legislature has the power to make distribution of such "plums," on the other. It had outcome in a subsequent act (36) locating a branch insane asylum in a part of the state where expert opinion held it should be placed on climatic and other valid medical reasons. A law changing the date of the general election from June to November (19) was a measure of convenience on which the voters might naturally be supposed to know their own advantage best. One giving custody of the county prisoners to the sheriff rather than to the county court (20) settled a minor matter of county policy in a way which appears to the writer to have been a mistake, although there was a good deal to be said for it. A law proposed and passed under the initiative taking the power of indictment away from the district attorney, where the legislature had lodged it some years before, and restoring it exclusively to the grand jury (33) was in accordance with the best legal opinion in the state, conservative as well as other, and the favorable vote on it was thought to show a sound popular instinct. Finally, an extensive revision of the outgrown and archaic judiciary article of the state constitution (66) made it possible to enlarge and reorganize the supreme court, which had become necessary. The measure contained other provisions, such as the power to find a verdict in civil cases by three fourths of the jury; authority to the district attorney to amend an indictment held defective in mere matters of form; authority in the supreme court to affirm a judgment, notwithstanding technical errors, when it is of opinion on the whole record that the judgment of the court below was such as should have been rendered, and to render its own judgment in certain cases where it had previously been obliged to remand the case to the court below for a new trial though the proper judgment was plain. The amendment has been severely criticised on other grounds, chiefly that declaring the verdict of a jury conclusive, but the provisions first cited go far to recommend it in the minds of those who believe that reform in legal procedure is really desirable. An act substituting county for district attorneys (107) was approved on referendum in November, 1913, at an election called by the legislature for the express purpose of considering acts of the session of that year which should be referred. Except for the district attorneys, whose powers were curtailed by it, the consensus of instructed opinion appeared to favor this act.

2. *Those Defeated.* Of the measures of this sort defeated, woman's suffrage on its hard way to final success accounts for three (6, 24, 35); two (16, 42) are for increase of pay of officers, the invariable defeat of which will be commented on later. Three, of which one (18) was for increasing the number of judges of the supreme court, one creating the rather desirable office of lieutenant governor (68), and one the absurd position of hotel inspector (81), ran foul of a similar popular dislike of increasing the number of offices. The necessary increase of the supreme bench was, however, given later by the judiciary amendment previously mentioned. The defeat of two acts (72, 77) requiring a majority of all the votes cast at the election (instead of a majority of those cast on the particular measure) to carry respectively constitutional amendments and initiative laws, and of an act calling a constitutional convention (37), which was generally believed to mask an attack on the initiative and referendum, bespeak the strong popular attachment to the institution in its present form. Two acts, providing for the creation of new counties

and consolidation of cities, etc., by general law (61, 90), suffered the same defeat which had been meted out to nine separate measures creating new counties or changing the boundaries of old ones (43, 45, 46, 47, 51, 54, 60, 75). The defeat of these last was apparently on the ground that they made an unnecessary increase in the officiary, though their sponsors stoutly insisted the contrary. One such act (34), where the propriety and convenience of the new county (comprising the celebrated Hood River Valley) was generally recognized, had previously passed by the popular vote, though forces had always been gathered to defeat it in the legislature. Some general law for the creation and division of counties is at least theoretically desirable, but it is difficult to say that the objections against the particular drafts offered were not well taken. Another law which failed sought to anticipate the time fixed by the legislature for reform of the state printer's office (80), and was suspected of having a pretty strong personal animus. The voters had declared emphatically in favor of the reform, but objected to having it visited as a punishment on the incumbent for the time being. The proposed abolition of capital punishment (99) failed, notwithstanding an earnest campaign in its behalf by persons high in popular esteem, including the governor of the state. Something of Hebrew wrath still inheres in the public conception of punishment.

There remains a group of measures (38, 64, 65, 97) offered at three different elections, mostly initiated and advocated by the People's Power League, of which Mr. U'Ren, the protagonist of the "system," is the moving spirit. These measures proposed modifications of the state government of varying extent and degree, from a mere redistricting of the legislature to a complete new form of public administration, somewhat on the English Cabinet plan, though with some features which seemed entirely novel. It might have been—in fact was—thought that the eagerness of the people for a change and the authority of Mr. U'Ren and his associates would be enough to carry these measures. Opponents of the "system" were fond of saying that "the legislature of Oregon was now under Mr. U'Ren's hat." They still repeat the saying, but the defeat of these and others of his favorite measures gives it a rather hollow sound.

B. ECONOMIC MEASURES

1. *Taxation.* Turning to the acts classified as economic, some fourteen deal with taxation. The levy of a gross income tax on such corporations as sleeping car, oil, express and telephone companies (14, 15) and the passage of a constitutional amendment authorizing an income tax (91) are what might naturally be expected of a plebiscite. Oddly enough, however, the last was defeated, though by the narrowest of majorities.

The most notable feature of the legislation on this subject has been the single tax fight, which has been waged very earnestly since 1908. In that year an amendment to provide the single tax under the rather tempting title of "An act to exempt improvements, tools, livestock, and furniture from taxation" (27) failed to pass. In 1910 an act did carry which gave to counties the power to adopt single tax methods of assessment (48). Encouraged by this partial victory the single taxers gathered all their forces for a final attack on the citadel of conservatism in 1912, when a bill for statewide single tax (98) was initiated and most vigorously advocated. Mr. U'Ren brought to it all the strength of his gentle, but indomitable personality. Most of the other ardent radicals and reformers of the state rallied to its support. The campaign was adequately financed from the Fels fund, and fairly held the center of the stage. The other side did not lack funds or speakers, though to some quite impartial observers it seemed that their case was much less ably presented. The result was a crushing defeat for the measure, 82,015 against to 31,534 for. The act giving counties the option to adopt the single tax was repealed in the same year (71). More moderate tax reformers also met defeat at these elections when bills abolishing the "equal and uniform" taxation clause (39), providing for different rates on different classes of property (41, 70), divorce of local and state taxation (69), and exemption of moneys and credits (93) failed to pass, as did also a proposed revision of the inheritance tax laws (94). Several of these measures had been prepared by the state tax commission in the hope of finding some escape from the hampering limitations and ineffectiveness of the general property tax in the mold which judicial decisions have cast for it. But the economists of the ballot box had not grown up to them, and we still wear our strait jacket. An exemption of a moderate amount on household goods (92) did pass.

2. *University Appropriations.* Of the other economic measures, the most important are the referendums on the appropriations for the state university, which the legislature after many years of parsimony had just begun to make liberal. The first referendum (5) in 1906 was an unsuccessful effort to defeat the entire appropriation. In 1908 an act increasing the annual appropriation (23) was carried, though the majority was not large. In 1912 the issue was made on the ground that the two state institutions, the university and the agricultural college, ought to be consolidated, and that no permanent improvements should be made until they were. Referendums were brought on two acts (102, 103) making appropriations for permanent improvements, and for enlargements of the work of the school, leaving unaffected the regular annual appropriation which had been approved in 1908 (23 above). These two acts, together with an initiative measure (76) intended as an alternative, by way of compromise, were defeated and the enlarged appropriation failed. But

the supporters of the university still believed that the question had not been fairly tried out, and the legislature in 1913 again provided for extensive permanent improvements for the institution, with the knowledge that referendums would be called upon them, and made express provision for an election in November, 1913, to pass upon the matter. The referendum petitions were filed and after a very spirited and thorough campaign the two appropriations carried (104, 105). The result of the long agitation is believed to have intrenched the university impregnably in the public esteem and to have opened the way for its future expansion and success.

3. *Generally.* The voters have declined such opportunities as have been offered them for public ownership; namely, of a toll-road (8), and a railroad to be built into what was then said to be the largest unoccupied territory in the United States, since invaded by two railroads (40). They also refused to approve a state appropriation to build armories (22), the labor unions, no doubt, contributing to its defeat, and selected only one out of three struggling state normal schools for permanent support (44, 53, 55). The other measures in this category are a hopeless tangle of "good roads" legislation (62, 78, 79, 86, 87, 88, 89, 96), the result of a great deal of agitation by the different interests, roughly classified as the grange and the users of automobiles. Out of the welter there emerged a constitutional amendment which gave the legislature mandate for the passage of a consistent and workable scheme for highway improvement, and this was accomplished at the next session. It is worthy of remark that the successful measures rather purported to limit than enlarge the powers of borrowing money by state or minor subdivision. Whatever else is to be said about the soundness of votes of the people on matters of public expenditure they bring to naught the prophecy that the "rabble" would seize upon every chance to vote away the taxpayers' money. The direct contrary is true—the propriety of every expenditure voted on must be proved up to the hilt, and even when it is, want of confidence in the agents who have the spending of the money is liable to be fatal.

C. SOCIAL AND INDUSTRIAL REGULATIONS

1. *Intoxicating Liquors.* Some measures in the class of social and industrial regulation complete our catalog. The first fruit of the initiative was a stringent local option liquor law (2). An amendment frankly seeking to put the liquor sellers on something like equal terms with their opponents (7) failed at the next election. Again the liquor element attempted, this time by a very craftily prepared and plausibly entitled measure (26), to get a little more liberty, but the riddle of the title was readily solved and the bill went the way of its predecessor. A modification giving some degree of control of the traffic by cities and towns, subject to the local law (49), did pass, however. Then the prohibitionists,

encouraged by the emphatic expressions of the popular desire to limit the traffic and by the extensive adoption of local prohibition in various districts throughout the states, offered two measures for statewide prohibition (56, 57), only to meet with defeat as decisive as the victory for local option. The total result, I apprehend, is not materially other than if the National Municipal League or any other body of sane and moderate reformers had been casting the vote. A bill prohibiting the acceptance of railroad passes by state officers (13) carried, and an absurd proposal to require railroads to pass free all officers traveling on state business (21) failed.

2. *Protection of Salmon.* In 1908 were submitted the bills for the regulation of the salmon industry (25, 32), which have served every writer opposed to popular legislation for his dreadful example. The majority which is so roundly denounced by these critics as ignorant and stupid included the writer and most of the thoughtful men of his acquaintance. Whether we or our critics are most foolish the reader must judge. Here are the facts: Salmon fishing in Oregon is a business of great economic importance. The fishers and canners are divided into two hostile camps, the down-stream gill-netters and seiners, and the up-river wheel fishers. Between them they were rapidly and surely exterminating the fish, but each mustered force enough in the legislature every session to block any effective regulation of its form of destruction. At length it became evident that something must be done or the industry would go to ruin. In this juncture each camp betook itself to the initiative and presented a bill relegating the other's style of fishing out of existence.

"How are you going to vote on these salmon bills?" said a shrewd friend of mine (a conservative of the straitest sect, by the way), discussing the pending bills before the election, as we are wont to do.

"Why, 'No' on both; they would stop the business entirely."

"Wrong, as usual," he said, "the boys are going to pass 'em both and see if we can't bring these gentlemen to their milk."

Accordingly the boys wrote on their ballots "a plague o' both your houses" by a handsome majority, and at the ensuing session of the legislature a meek and chastened salmon lobby welcomed a bill conforming to the recommendations of the state conservation commission, which at last afforded a little real protection to a noble fish and a failing industry. I submit that a little more of this kind of ignorance and stupidity earlier applied would have been better than the wisdom of the captains of industry.

3. *Various Regulations.* Other acts of this class which passed are an employer's liability law (50), designed to diminish the frightful toll of life and limb exacted by modern industry when uncontrolled, a law imposing double liability on bank stockholders (73), a law for statewide regulation of public utilities (74), one limiting the hours of labor on pub-

lic works to eight (82), and two laws prohibiting the exploitation of the work of convicts by private contractors and providing for their employment on public roads (84, 45). At the 1913 election a carefully drafted workmen's compensation act (108), prepared by a committee containing representatives of employers and laborers as well as of the public, was referred and passed by a very large majority. A statute (58) creating a commission to draft such a law had been defeated previously, probably because the commission was not considered to be fairly representative of the laboring element. The whole series looks very much like the program of a club of social reformers. Laws which have less to recommend them than these are one prohibiting commercial fishing in a river of southern Oregon (59), and one attempting to regulate freight rates, since held unconstitutional by the courts (95). A "Blue Sky" law, attempting to regulate the sale of securities by corporations (83), also failed for reasons which are not readily apparent, though the unsatisfactory working of a law of the same sort afterwards passed by the legislature may excuse it. The defeat of measures prohibiting boycotting (100) and giving to the mayors of towns control of public speaking in the street would be (101) approved or not according to the standpoint of the observer. They show at any rate that the general public inclines to the English method of letting anyone talk anywhere, anytime. At the 1913 election a bill providing for the "sterilization" of habitual criminals, moral degenerates, and sexual perverts (106) was defeated. It was opposed by the officers of the state board of health, and there was a general feeling that the subject was not yet ripe for positive enactments.

DIRECT LEGISLATION IN THE CITY OF PORTLAND

Concerning the 129 measures passed upon by the voters of the city of Portland since their first exercise of the right of direct legislation in 1905, only a few general observations can be made. The votes show by a painful wealth of example that the voters approve of pitifully inadequate salaries for their public officers. It must be confessed, however, that they have not been put to the touch in the case of any really commanding personality, and they may merely have been of the mind of Huck Finn about the minister who he said "preached for nothing and he guessed it was worth it." Moreover, they did approve, by a narrow majority, a city charter which bestowed upon the mayor and commissioners the highest salaries ever paid by any local government in the state. It further appears that they are not avid of municipal ownership, but scan keenly the propositions of that sort submitted to them; that they still believe in competition in public utilities; that they are exceeding cautious in the appropriation of public funds, especially when their confidence in the administration which has to do the spending is not complete. Yet they have approved of considerable expenditures for public docks and bridges, sometimes for parks, for garbage-destroying plants; and for a public auditorium. They showed admirable sobriety and restraint in refusing—notwithstanding a good deal of provocation—to vote for the forfeiture of two street franchises held by not excessively popular corporations, and they threaded their way through a mass of complicated charter amendments at various times with sense and discretion. The Taxpayers League of Portland, an association of large taxpayers, has for years made recommendations to their members after investigations by their committees concerning the measures to be voted on. The league is dominated by men who though rich are intelligent and progressive, and touched with a feeling for the public rights and public service. It certainly is a high tribute, both to their wisdom and that of the common people, that in fully 75 per cent of the cases their recommendations have agreed with the popular decision. Many of the differences have been in cases of expenditure which they approved and the electors did not.

THE COMPOSITE VOTER

The composite voter whose mind and purpose are portrayed by these votes appears to be one jealous of his own rights and privileges, as most men are; resolute to see his government actually, as well as theoretically, deriving its just powers from the consent of the governed, and to see politics clean and fair; desirous of improvement of his institutions; open to thoughtful advice, and mindful of well reasoned opinion as to the means of betterment, but averse to visionary innovations; reluctant to create new offices, and stingy with salaries to public officers, but yielding that point occasionally when involved with some higher good; nearly abreast of the best thought of the time in matters of social and industrial regulation, but lagging behind, and a bit muddled, in economics; and, until he reads the title clear of would-be spenders of the public money, saving with it to a fault.

CHARACTER OF LEGISLATION ENACTED

So much for the wisdom of the voters' decisions on questions put before them. It is certainly true that some of these measures ought not to have been brought up at all; that fanatics and self-seekers sometimes get their schemes before the people and cumber the ballot with them. This is not a phenomenon previously unknown in the history of legislation, as some comments assume. The trouble is in a fair way to remedy itself. The increasing reluctance of thoughtful voters to sign petitions and the very uncertain reward for the labor and expense necessary to get a bill on the ballot operate as a pretty strong deterrent, and, furthermore, nothing so perfectly "squelches" foolish agitation as a huge majority against its plans at the polls.

A consideration of the subjects of the measures submitted to the people in Oregon tends, I think, to disprove Senator Root's argument against the initiative and referendum, that the true difficulty of wise legislation is not to determine what ought to be accomplished but to determine how to accomplish it. Decidedly the majority of the contests over those measures have been on the very question as to what ought to be accomplished; for the purpose of determining what broad policy of legislation the state shall be committed to, not what methods are efficacious; and most of the decisions have been in one way or another significant for future law-making.

The quality of the bills passed is a matter upon which it is impossible to adduce within reasonable limits any evidence other than individual judgment. This shall be my apology for offering my personal opinion, based upon an examination of all the general laws of Oregon in force in 1910, in pursuance of the duty of compiling the official publication of the statutes, made under public authority in that year, that in all that pertains to the technique of draftsmanship, legislation passed under the initiative is markedly superior to the average of the statutes passed by the legislature. This superiority is not inherent, of course, but results naturally from the fact that these laws have mostly been drafted by a rather large committee of persons having a lively interest in the matter in hand and some practical knowledge of it, besides what knowledge they may have of the general requirements of legislation; and that the framers were aware that their measure once launched must go as it is, for better or worse.

The technical part of a legislator's work—the mere framing of a law in such a way that it may possibly accomplish what it is intended to do—is done with such incredible badness in at least one American state that anything which promises improvement in it ought to be hailed with glad acclaim. I have heard more than one member of the legislature declare, as the press and tumult of the session began to distract him, that he believed the initiative method with its prolonged and searching discussions during the campaign before the voters was a better way to make laws than that which he was attempting to practice.

EFFECT UPON THE VOTERS

The question of how the practice of direct legislation affects the voter is perhaps the most important of any we have to consider. Clearly the voters of Oregon take a considerable interest in the exercise of the franchise, which is increasing as the importance of their determinations becomes manifest. For some time before an election discussion of measures to be voted on is rife on the street, in conversation among friends, everywhere. It is part of the regular program in grange halls and labor union councils, and to some extent in clubs and associations of every sort. The newspapers are full of it. The pamphlets published by the state and distributed to every voter, wherein arguments pro and con are set forth, are seen almost like autumn leaves in Vallombrosa. The discussion even invades those circles where the "tired business man" myth, and the indifference of the ordinary successful American to everything but putting money in his purse and spending it, combine against it. The causes which have made the ordinary routine of election meetings and speeches mere sound and fury, signifying nothing, have not thus far prevailed against it. I have been present at a noon meeting of a club where a hundred or two men came and listened closely to a speaker who had been invited to discuss the bills to be voted on, and the same week have attended a political meeting where the same man (who happened to be a candidate for the legislature) appeared to present his candidacy at a regular party meeting, pretty well advertised, and was greeted by an audience of less than a dozen all told, including the other candidates and the faithful camp followers. The incident is not unusual, but ordinary and typical. It is not that more people vote upon the measures than upon the candidates—they do not, as the tables show—nor that more are interested in them; but advocacy of the multifarious candidates, who appear at every election seeking the suffrages of the voters, has become so discharged of any genuine sincerity or reality that no one cares to hear it, while the talk about pending measures is apt to be earnest, candid, and well informed.

As a matter of fact it is much easier and requires much less knowledge and acumen to determine whether a proposed measure is what one wants to vote for than to make an equally well advised decision about a candidate. It is easier to tell whether the general purpose and intent of a measure is acceptable or not, and a month or two of hostile criticism—the only true test—is pretty likely to disclose any serious defects in detail. On the other hand the public is notoriously subject to be deceived as to the genuineness of a man's professions. What a man really represents is known only to him and his Maker, and his future conduct in detail under new and untried conditions is past finding out.

The arguments resorted to are of all sorts, some on high grounds, in good temper and forcibly put, some spiteful, silly, dishonest; very likely all of them have effect with somebody. If good arguments cannot on a fair trial prevail over bad, then government by discussion is hopeless and civilization in imminent peril. The educative effect of the discussion of a matter of public interest, generally participated in, with audience for everybody who has anything to say and with everybody who cares to think about it having a voice in the result, followed by a sound decision, simply cannot be exaggerated. It removes the ultimate ground of complaint from the mouth of discontent and brings the responsibility for the state of law home to the will and intelligence of every voter.

The number of ballots cast on any one measure is usually less than the total vote cast for the candidates for the office in which the voters are most interested at the same election. The average, state and city, is 85 per cent of the average vote for officers. It has been suggested that this, at worst, results only in a kind of natural selection of the intelligent and interested—an oligarchy of the thoughtful, which some believe to be the goal of politics. A spirited discussion was carried on at the time of the last charter campaign in Portland as to the duty of voters in respect of the measures upon which they were not informed. The weight of opinion inclined to the view that as to measures of the proper sort to be submitted the uniformed elector should abstain from voting. No practical bad results from the deficiency of the vote on measures have been pointed out, though the possibilities imagined have been many and dire. This problem is merely a phase of the much larger one of the want of intelligent interest in politics, and will have to abide the solution of that for its settlement.

EFFECT OF DIRECT UPON REPRESENTATIVE LEGISLATION

The effect of direct upon representative legislation, it would be presumptuous to appraise. It is certain that some excellent laws passed by the legislature in the last few years have been prepared in the same way and to some extent by the same elements as the initiative measures and presented to the legislature with the distinct understanding that if they were not acted upon by it they would be presented to the voters under the initiative. It is also pretty clear that since the referendum loomed in the background legislation has been more responsive to the public will, but it is most emphatically true that no sober person thinks that the legislature will be superseded or its functions seriously curtailed by direct legislation. While 108 measures have been submitted to the people and about 49 passed, the legislature has considered 4,439 bills and passed not less than 1,624, and the number is constantly increasing. These figures ought to lay that ghost without any further incantations.

THE DIRECT PRIMARY

The direct primary law, as we have it, embodies a simple and innocent seeming device which brought about the direct election of United States senators in Oregon without any appeal to federal legislation. This device was merely a statutory permission to the candidate for the legislature to make on the ballot a statement (Statement No. 1) to the effect that he would, if elected, cast his vote for the candidate for United States senator having the largest popular vote; provision for taking that vote at the primaries being duly made. The candidate also had express permission to say that he would not be bound by the popular vote, and implied permission to say nothing at all. The leaders of the majority party viewed this plan with contemptuous amusement, which gradually changed to wrath when they discovered in the course of a few elections that every insurgent candidate "took the statement" and most of them were thereupon elected, and that presently the regular candidates had to "take the statement" or face almost certain defeat. Later a candidate for United States senator, a nominee of the minority party, received a popular majority over the candidate favored by the majority of the legislature, which was pledged to carry out the people's decision. When the party leaders found that the men who had solemnly taken a public pledge to do a specific and particular thing could hardly be induced to brand themselves as liars by not doing it, and when they had to stand by and witness the heartrending spectacle of a legislature of one political name electing a United States senator of another, for no better reason than that the people of the state had so voted, their cup of bitterness overflowed and the air was filled with lamentations.

But passing by these notable accomplishments and some other curious and unexpected workings of our direct primary the candid observer must admit that in the main it has not given a good account of itself. The critical question about a system of nominating candidates is what kind of nominations does it produce, and herein the direct primary in Oregon has not registered anything like success. The larger and more important nominations have usually been pretty much the same as the old conventions would have made. For the less important and less sought offices the nominations have often been bad, sometimes intolerably bad; sometimes worse, I think, than any convention that ever sat in Oregon would have suffered. Good nominations are often made by the direct primary of course, but it is very hard to maintain in the face of the facts that they are on the whole better or occur oftener, or that the method has proved an effective way of securing good candidates.

THE RECALL

There has not been much experience with the working of the recall in Oregon. In two cases it has been applied to the county administrative board. In both cases it is probable that the officers had made mistakes which would have justified their defeat at an election; whether they deserved a peremptory ouster is not so clear. It should be explained that both of these recalls affected the county judge, who is judge of probate and has a minor civil jurisdiction, but that his judicial conduct was not in question. His important function is as head of the county commissioners, the business officers of the county, and it was in respect of this that he was recalled. Except for these none but municipal officers have been recalled.

Negative evidence of some value is not wanting here, however. Two attempts have been made to recall judges of the circuit court. Both occurred under circumstances that writers on the subject of judicial recall have pointed to as constituting the greatest dangers to the independence of the judiciary, and consequently to free institutions; namely, an unpopular decision or the appearance of taking an unpopular position by the judge, on an issue in which the public has a lively interest, and a strong and unscrupulous party or faction ready to urge its cause against the judge. In both these instances the promoters of the recall were unable, after long and energetic attempts, to so much as secure the necessary signers to the petitions to set the recall machinery in action, and both attempts died an ignoble death, unwept, unhonored, and until now, unsung. If they do not adorn the tale they may serve to point the moral, that so far as the evidence is in, it is perfectly safe to trust a normal American electorate with a weapon even as dangerous as this one. It seems clear to me that the independence of the judiciary is better assured by the complete breakdown of these two attempts against it than it could possibly be if the power had not existed to replace the judges. Sooner or later, directly or indirectly, judges must owe their tenure to the people. No length of term can so well establish the safety of a judge in doing his duty without fear or favor as the clear and plain assurance from the ultimate source of his authority that he has nothing to fear while he does so. I am not urging the adoption of the judicial recall anywhere else, nor defending it on principle here. I only insist that the evidence in Oregon, as far as it goes, is directly opposed to the fears and predictions of those who have been alarmed about it as an attack on the basis of our institutions.

PREFERENTIAL BALLOT

A few words on the workings of the preferential ballot first adopted this year. The new charter of the city of Portland provides for making nominations by the filing of a relatively small number of individual certificates, the method being designed to make the nomination exceedingly easy. At the election each voter is allowed to indicate among the candidates thus nominated a first, second, and third choice for each office, no two choices to be for the same candidate, however. If no one has a clear majority of first choice votes second choices are added; if no one then has a majority the third choice votes are counted in. At the election held in June, 1913, only a few weeks after the charter was adopted, there were some 87 candidates for the four commissioners to be elected. They included, along with a modicum of very good men, about every species of undesirable, from strong and experienced machine politicians to saloon hangers-on and ticket-takers at five-cent "movies." A voluntary committee of citizens published candid and impartial biographies of them all, and late in the campaign, in response to an urgent popular demand, indicated the twelve whom they considered the best. The twelve were all excellent men, but only one of them received enough first choice votes to have elected him if the old plurality system had been working, and under that method the men elected to the new commission would have been no whit better than the ordinary type of councilmen from whom our cities have suffered so long and so grievously. But by use of the second and third choice votes the tables were turned. The candidates elected were all from among the twelve named by the committee, and by the consensus of intelligent opinion among the very best of them. The new plan accomplished exactly what its advocates had claimed. It focused upon the best men the suffrages of the great mass of voters who want nothing but good government. No system of elimination primaries has succeeded so well in bringing the unorganized mass of voters to concentrate on a single candidate; a thing which the professional politician with his better organization and better discipline can always do. It is too early to predict that the brilliant success achieved in this election will be permanent, but as explaining it in part I may quote the naive comment of a voter who said to me a few days after the election, "This new way is just what I have always wanted. You see a fellow really *has* to give a vote to his personal friends or to the men who have done something for him, but he can do that with his first choice vote, and these second and third choice votes, I figure they belong to the city."

The tale of Oregon's experience in self government may be dull enough in the telling; it has not been so in the living. It has been alive with the energies of struggle, shot through with humor, strong with constancy of purpose, sustained by the lift of great and grave hopes. We have been groping our way in no spirit of rash innovation nor unreasoning anger, but with a deep sense of the perfectibility as well as of the imperfections of our political institutions, toward that goal of "government of the people, for the people, and by the people" to which generous hearts have aspired in all ages, and we dare to hope our blind and stumbling feet are set on the path where is found the safety of this Republic and the future of democracy itself.

STATE OF OREGON

1902

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
1. Initiative and referendum amendment to constitution	67,692	78.5	56,356	

Average vote cast for six state officers and congressmen, 86,175; highest (secretary of state), 88,704; lowest (attorney general), 82,838; total electors voting, 92,920.

1904

2. Local option liquor law	83,514	92.2	3,118	
3. Direct primary election law	72,559	80.1	39,851	
4. Amendment permitting regulation of office of state printer	59,365	65.5	31,303	

Average vote cast for presidential electors, congressmen, dairy and food commissioner and justice of supreme court, 90,559; highest (congressmen), 93,906; lowest (dairy and food commissioner), 84,569; total number of electors voting, 99,315.

1906

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
5. Referendum on appropriation for state colleges, asylums, etc.	70,676	78.2	17,160	
6. Equal suffrage amendment	83,977	92.9		10,173
7. Amendment of local option law to give anti-prohibitionists equal privileges	80,441	89.		9,847
8. To provide for state ownership of toll road across Cascades	76,052	84.1		13,002
9. Applying referendum to all laws for constitutional amendments or constitutional conventions	66,412	73.4	28,910	
10. To grant cities and towns exclusive power to enact and amend their charters	72,419	80.1	32,715	
11 To permit state printers' pay to be regulated by law	73,320	81.1	54,178	
12. To provide for initiative and referendum on local and special laws and parts of laws	64,413	71.2	30,943	
13. To prohibit the use of free passes by public officers	74,060	81.9	40,502	
14. To levy gross earnings taxes on sleeping car, refrigerator car and oil companies	76,076	84.1	63,194	
15. To levy gross earnings taxes on express, telegraph and telephone companies	77,232	85.4	64,512	

Average vote for eight state officers, congressmen and United States senators, 90,377; highest (governor), 96,715; lowest (labor commissioner), 80,132; total number of electors voting, 99,445.

1908

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
16. To increase pay of legislators	88,583	83.8		49,201
17. To permit state institutions to be located elsewhere than at capital on vote of the people	82,843	78.3	1,107	
18. To increase number of justices of supreme court, etc.	80,834	76.5		20,348
19. To change time of elections from June to November	84,318	79.7	47,138	
20. To give custody of county prisoners to sheriff, fixing the price of meals of prisoners	90,476	85.6	30,410	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
21. To require railroads to transport state and county officers free	88,262	83.5		30,550
22. To appropriate $100,000 to build armories for national guard	88,355	83.6		21,341
23. To increase annual appropriation for state university	84,650	80.1	3,580	
24. To grant woman suffrage	95,528	90.4		21,812
25. To regulate fishing for salmon and sturgeon in certain sections of Columbia river, etc.	87,302	82.6	5,862	
26. Giving cities exclusive control of theaters, race tracks, etc., and of the sale of liquor subject to the local option law	91,788	86.8		12,904
27. To exempt all improvements, tools, livestock and furniture from taxation	92,937	87.9		28,805
28. Amendment providing for recall of elective officers	89,383	84.6	27,379	
29. To instruct legislature to elect candidates for United States senators receiving largest popular vote	90,830	85.9	48,506	
30. Amendment authorizing proportional representation, preferential ballot, etc.	82,996	78.5	14,740	
31. To limit campaign expenses and prevent corrupt practices in elections	85,343	80.7	22,741	
32. To prevent fishing for salmon and sturgeon in upper Columbia, except with hook and line	86,410	81.7	25,850	
33. Restoring grand jury and prohibiting indictments to be found otherwise	80,701	76.3	23,727	
34. To create Hood River County out of portion of Wasco County	70,726	66.9	17,170	

Average vote for four state officers and United States senator, 105,670; highest (United States senator), 112,364; lowest (railroad commissioner), 98,617; total number of electors voting, 116,614.

1910

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
35. To grant suffrage to women taxpayers	94,335	90.7		23,795
36. To authorize construction of an insane asylum in eastern Oregon	91,638	88.1	8,630	
37. To authorize a convention to revise the constitution	83,117	79.9		36,831

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY	
			FOR	AGAINST
38. To create separate districts for each state senator and representative	78,252	75.3		30,252
39. To drop requirement that all taxation shall be equal and uniform	77,791	74.8		2,553
40. To authorize state construction of railroads	78,914	75.9		13,226
41. To provide that property may be specifically taxed	73,321	70.5		10,063
42. To increase the pay of a circuit judge in Eastern Oregon	84,664	81.4		58,342
43. Creating Nesmith County	83,457	80.3		37,725
44. To provide permanent support for Monmouth normal school	90,235	86.8	10,147	
45. Creating Otis County	79,442	76.4		44,590
46. To annex part of Clackamas County to Multnomah County	85,252	82.		52,752
47. Creating Williams County	78,598	75.6		49,582
48. To permit each county to adopt single tax and to abolish poll tax	86,298	83.	2,044	
49. To give cities and towns exclusive powers to control sale of liquors subject to local option law	104,100	100.1	2,542	
50. Employers' liability law for protection of laborers in hazardous occupation	90,201	86.8	22,315	
51. Creating Orchard County	78,376	75.4		47,048
52. Creating Clark County	77,317	74.4		46,091
53. To provide permanent support for normal school at Weston	87,099	83.8		5,303
54. To annex a portion of Washington County to Multnomah County	82,268	79.1		54,174
55. To provide permanent support for normal school at Ashland	87,128	83.8		10,182
56. To prohibit the manufacture and sale of liquor in Oregon	104,761	100.8		17,681
57. To prevent manufacture, sale, possession, exchange and giving away of liquor	106,215	102.2		20,913
58. To create commission to prepare bill to fix indemnity for injuries to employees	83,943	80.7		19,495
59. To prohibit fishing in Rogue River except with hook and line	83,109	79.9	16,315	
60. Creating DesChutes County	78,078	75.1		42,894

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
61. To provide for creation of new towns and counties by vote in such districts	79,456	76.4		5,198
62. To permit counties to go in debt for permanent roads	84,181	81.	18,369	
63. Authorizing presidential primaries	84,977	81.7	1,729	
64. To provide inspectors of government and for an official gazette	82,493	79.3		22,583
65. To provide for proportional representation in legislature and otherwise modifying its organization	81,397	78.3		7,335
66. Judiciary amendment to constitution authorizing verdict of three fourths of jury in civil cases and for affirmation of judgment on appeal, notwithstanding error committed in lower court	83,937	80.7	5,139	

Average vote for fourteen state officers and congressmen, 103,906; highest (governor), 117,690; lowest (water superintendent), 84,308; total number of electors voting, 120,248.

	1912			
67. To grant woman suffrage	118,369	92.1	4,161	
68. To create office of lieutenant governor	112,206	87.3		11,082
69. To permit specific taxation upon different classes of property	108,523	84.5		4,819
70. To require uniformity of taxation in each class of property specifically taxed	106,528	82.9		2,438
71. To repeal measure (adopted in 1910) permitting counties to regulate their own taxation	111,031	86.4	16,731	
72. To require majority of all electors voting for adoption of constitutional amendment	103,259	80.4		37,391
73. Imposing double liability on bank stockholders	104,719	81.5	61,243	
74. To give railroad commission jurisdiction over all public service corporations	106,941	83.2	25,029	
75. Creating Cascade County	97,702	76.		44,776
76. To create a single board of regents for state university and agricultural college and fixing tax levy for such institutions	105,980	82.5		8,578

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
77. To require majority of all electors voting for adoption of initiative measures	104,582	81.4		33,140
78. To permit counties to issue bonds to build permanent roads. (Grange bill)	106,412	82.8		7,014
79. To create a state highway department with engineer at $3,600 a year. (Grange bill)	107,718	83.8		59,974
80. Anticipating date bill regulating state printer becomes effective	104,335	81.2		34,749
81. To create office of hotel inspector	108,905	84.8		75,085
82. To make an eight-hour day on all public works	112,586	87.6	16,430	
83. To supervise selling stocks and bonds and to require a license therefor	106,058	82.6		8,528
84. To prohibit employment of state convicts by private agencies and to authorize their employment on public works	111,292	86.6	36,308	
85. To prohibit employment of city convicts by private agencies and authorizing their employment on public works	109,098	84.9	33,636	
86. To create a state board to issue bonds not exceeding a million a year to build public roads. ("Harmony" bill)	106,487	82.9		44,693
87. To prohibit state from incurring indebtedness for road building in excess of 2 per cent of taxable property. ("Harmony" bill)	102,899	80.1	16,005	
88. To authorize counties to issue twenty-year bonds for road building, etc. ("Harmony" bill)	103,821	80.8		16,599
89. To prohibit counties from voting road bonds in excess of 2 per cent of assessed valuation. ("Harmony" bill)	101,116	78.7	13,400	
90. To provide for consolidating contiguous cities and towns	97,191	75.6		16,793
91. To provide for the taxation of incomes from whatever source derived	105,650	82.2		246
92. To exempt from taxation all household goods actually in use	112,183	87.3	8,531	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY	
			FOR	AGAINST
93. To exempt from taxation all debts of every kind except bank stock and banking capital	109,031	84.9		24,049
94. To revise inheritance tax laws, etc.	102,448	79.7		25,230
95. To fix percentage of freight rates on less than carload lots and to establish minimum weights and maximum freights	103,840	80.8	12,772	
96. To authorize county courts to sell bonds for roads when authorized by voters. ("Medford" road bill)	102,049	79.4		24,913
97. To abolish state senate; governor to introduce appropriation bills; proportional representation, etc. (U'Ren constitution)	102,203	79.6		40,163
98. To provide graduated taxes on franchises and natural resources and exempting improvements on land and personalty. (State-wide single tax)	113,549	88.4		50,481
99. To abolish capital punishment	106,529	82.9		22,627
100. To prohibit picketing or boycotting and inducing employees to quit work	110,386	85.9		10,734
101. To prohibit use of streets and public places for public discussion without written permit from mayor	111,519	86.8		13,545
102. To appropriate $328,258 for state university buildings	108,422	84.4		49,548
103. To appropriate $175,000 for library and museum for university	106,686	83.		52,066

Average vote for four state officers, presidential electors and congressmen and United States senator, 128,391; highest (presidential electors), 137,040; lowest (railroad commissioner), 118,348. Total number of electors voting, 144,113.

REFERENDUM ELECTION

1913

104. Repair fund for university of Oregon	97,259		16,059	
105. Appropriation for university buildings	96,583		10,555	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
106. Sterilization law	95,086			11,552
107. County attorney act	92,338		16,020	
108. Workmen's compensation act	96,422		39,206	

Total number of votes cast, 102,276.

CITY OF PORTLAND

1905

1. To annex territory	9,962	73.1	638	
2. To annex territory	10,007	73.4	3,103	
3. To tax whole city for bridges	11,141	81.7	2,991	
4. To grant street railway franchise	10,124	74.3		1,886
5. To provide security for city funds	9,192	67.5	2,462	
6. To provide a clerk for police court	9,240	67.8	526	
7. To place penalty on delinquent assessments	9,039	66.4		939
8. To decrease cost of advertising	9,446	69.3	6,034	
9. To grant telephone franchise	13,773	101.	12,653	

Average vote cast for ten city officers, 13,624; highest (mayor), 14,689; average for five councilmen, lowest, 13,156.

1907

10. To issue water bonds	14,363	91.4	131	
11. To issue park and boulevard bonds	14,286	90.9	2,000	
12. To issue dock bonds	13,961	88.9	4,867	
13. To issue bridge bonds	14,440	91.9	9,304	
14. To issue bonds for fire boat and water mains	13,943	88.8	3,967	
15. To improve streets by districts	13,121	83.5	5,317	
16. To permit remonstrance of four-fifths of property owners to defeat street improvements	12,736	81.1	3,396	
17. To regulate sale of property for assessments	12,445	79.2	5,961	
18. To increase salary of city engineer	13,745	87.6		4,841
19. To increase salary of city attorney	13,750	87.6		5,950
20. To increase salary of city treasurer	13,654	86.9		4,980
21. To increase salary of police judge	13,678	87.1		2,804
22. To increase salaries of councilmen	13,905	88.5		6,395
23. To create office of sergeant of police	12,864	81.9	2,556	
24. To create free employment bureau	13,449	85.6	6,583	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
25. To annex territory	11,950	76.1	3,996	
26. To create board of engineer examiners	13,172	83.8		1,790
27. To regulate electrical wiring	13,179	83.9		2,059
28. To grant franchise to gas company	13,915	88.6	3,385	
29. To increase liquor license fees	14,203	90.4	1,735	
30. To fix wholesale liquor license fees	13,599	86.6	4,389	

Average vote cast for eight city officers, 15,701; highest (mayor), 16,919; lowest (councilmen), 14,866.

	1909			
31. To adopt commission form of government	15,673	93.8		5,867
32. To levy cost of water mains on property benefited	14,824	88.8		6,806
33. To pay cost of water mains out of water fund	14,122	84.5	472	
34. To amend provisions for official advertising	14,581	87.3		3,785
35. To regulate electric wiring	14,989	89.7		1,943
36. To require franchise holders to keep books of account	14,746	88.3	5,858	
37. To amend section creating women's auxiliary of police	15,065	90.2	1,031	
38. To purchase warrants from any idle fund	14,470	86.6		2,904
39. To permit bank of $50,000 capital to apply for deposits	14,273	85.5	87	
40. To deposit funds upon open accounts	13,952	83.5		3,050
41. To take chief deputy engineer and others from civil service	14,151	84.7		2,777
42. Regulating discharge of employees in civil service	14,617	87.5	2,331	
43. To authorize deputy clerk in police court	14,610	87.5		3,806
44. To authorize auditor to act as clerk of viewers	14,241	85.3	3,999	
45. To withhold delivery of warrants till proof of prior liens is filed	14,048	84.1	3,320	
46. To require assurances of rededication on vacating streets	13,538	81.1	1,942	
47. To appropriate earth above street grades	14,202	85.	896	
48. To provide bonding assessments for street and sewer work	13,805	82.6	1,777	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY	
			FOR	AGAINST
49. To increase rate of interest on delinquent assessments	14,122	84.5		6,140
50. To provide that acceptance of improvements by city is conclusive as to character	13,505	80.9		667
51. To abolish water, park and health boards	14,322	85.7		1,590
52. To issue bonds for water mains	13,813	82.7	1,403	
53. To permit council to fix salary of city engineer	14,461	86.6		3,039
54. To permit council to fix salary of city treasurer	14,282	85.5		7,342
55. To permit council to fix salary of city attorney	14,491	86.8		7,371
56. To issue crematory bonds	15,481	92.7	7,999	
57. To issue Broadway bridge bonds	16,139	96.6	4,017	
58. To regulate electric poles, wires, etc.	14,597	87.4	1,673	
59. To transfer Hawthorne bridge to Market street	15,953	95.5		11,495
60. To issue Sherman street bridge bonds	15,499	92.8		9,017
61. To prohibit use of patented articles	14,885	89.1		9,415
62. To grant a corporation exclusive privilege of selling liquor for ten years	16,111	96.5		13,913
63. To create an excise board to control sale of liquor	15,559	93.2		9,233
64. To issue light and power bonds	15,723	94.1		3,645
65. To license vehicles	15,443	92.5		815

Average vote cast for seven city officers, 16,693; highest (mayor), 17,751; lowest (councilmen), 15,802.

SPECIAL ELECTION

	1910			
66. To issue dock bonds	27,076		10,466	
67. To issue bonds for water system	26,261		3,645	
68. To increase salary of city engineer	25,605			609
69. To increase salary of city attorney	25,439			1,531
	1911			
70. To issue Meade street bridge bonds	25,471	96.8		2,411
71 To levy tax for street cleaning fund	22,807	86.7	2,765	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
72. To pension firemen	25,277	96.1		3,643
73. To increase city attorney's salary	24,080	91.5		2,926
74. To pension policemen	25,057	95.2		9,977
75. To issue bonds for municipal building	24,669	93.8	12,575	
76. To issue park bonds	24,674	93.8		10,522
77. To fill gulches out of special bridge fund	23,245	88.3	3,373	
78. To issue public auditorium bonds	24,686	93.8	3,144	
79. To issue bonds for garbage collecting system	24,119	91.7	5,497	
80. To increase salary of city engineer	23,807	90.5		99
81. To pension men in street cleaning department	24,550	93.3		14,542
82. To require two or more sets of plans for sewer work	23,116	87.9	6,956	
83. No seat no fare ordinance	25,736	97.8		8,308
84. To levy license tax on gross receipts of gas companies	24,206	92.	3,104	
85. To levy license tax on gross receipts of electric companies	23,923	90.9	2,817	
86. To create a public service commission	22,897	87.		485
87. To issue bonds for municipal paving plant	24,160	91.8		7,264
88. To prevent rights and interests of city from being divested	22,947	87.2	6,551	
89. To regulate fences and bill boards	24,631	93.6	5,623	
90. To authorize council to determine lowest bidder and select street improvement	22,597	85.9	1,139	
91. To prevent carrying of banners	24,872	94.5		8,380
92. To prevent boycotting	24,952	94.9		756

Average vote cast for ten city officers, 26,293; highest (mayor), 28,006; lowest (councilmen), 25,423.

SPECIAL ELECTION

	1912			
93. To adopt commission form of government	25,353			917
94. To issue bonds to buy Ross Island	25,449			15,043
95. To issue bonds for a South Portland bridge	25,444			9,362
96. To issue incinerator bonds	25,262			1,496
97. To issue park and boulevard bonds	25,271			6,047

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
98. To issue bonds for site of public auditorium	24,752			6,060
99. To vacate streets for public purposes	24,520		8,102	
100. To lengthen time for bonding street and sewer assessments	24,708		16,498	
101. To increase city attorney's salary	24,959			7,599
102. To increase city treasurer's salary	24,875			8,471
103. To increase city engineer's salary	25,056			6,000
104. To create office of city prosecutor	24,561			11,575
105. To bond street extension assessments	23,826		9,206	
106. To take police out of civil service	25,567			13,537
107. To levy general tax to pay water bonds when fund is short	24,287			7,063
108. To authorize city engineer to make street assessments	24,101		3,209	
109. To issue public market bonds	25,274			288
110. To create public service commission	24,248			7,796
111. To charge three cents toll for cars on bridges	24,905		9,711	
112. To indorse Greater Portland plans	24,198		8,206	
113. To grant electric company franchise	25,818		21,924	
114. To adopt a short charter creating commission government	24,655			17,489

SPECIAL ELECTION ON COMMISSION CHARTER AND NOMINATING OR PRIMARY ELECTION UNDER OLD CHARTER TO BE EFFECTIVE IF COMMISSION CHARTER FAILED TO CARRY

	1913			
115. To adopt the commission form of government	34,342	135.8	292	

Average vote cast for candidates for seven offices, 25,282; highest (mayor), 30,674; lowest (city attorney), 22,517.

REGULAR ELECTION

	1913			
116. To pension firemen	42,353	99.6	13,553	
117. To grant street railway franchise	40,236	94.6		10,502
118. To repeal railroad franchise	37,009	87.		5,125
119. To repeal railroad franchise	36,854	86.7		4,970
120. To issue bonds for a South Portland bridge	39,467	92.8		14,125

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
121. To issue incinerator bonds	38,954	91.6	6,812	
122. To pay part of street assessments by city	36,421	85.7		525
123. To issue bonds for parks and play grounds	39,183	92.2		7,621
124. To permit indeterminate sentences for violation of city laws	34,737	81.7	7,317	
125. To issue bonds for historical society building	38,113	89.6		17,597
126. To eliminate grade crossings	34,534	81.2	9,560	
127. To issue bonds to buy Council Crest Park	38,965	91.6		12,643
128. To authorize a common transportation terminal	33,775	79.4	9,055	
129. To retain public docks commission	35,630	83.8	10,544	

Average vote for six city officers, 42,494; highest (mayor), 45,521; lowest (commissioner), 41,456.

Note.—Thanks are due Mr. George A. Thacher for indispensable assistance in the compilation of these tables. They are compiled directly from the official returns as published by the secretary of state and the auditor of the city of Portland, and are believed to be more accurate than any other similar tables before published.

THE RIGHTS OF MUNICIPAL CORPORATIONS UNDER THE CONTRACT CLAUSE OF THE FEDERAL CONSTITUTION[1]

BY HOWARD LEE MCBAIN[2]

Columbia University

IN THE United States the problem of the legal relation between the city and the state is perhaps the oldest of the problems of the city. It is none the less a problem of present day vitality and interest. Twelve states have now, under varying conditions, attempted to meet this problem by conferring upon cities the power to frame their own charters. In the remaining thirty-six states, cities must still find the source of their authority and many of the details of their organic life wholly in statutes. Lying at the foundation of the American system of jurisprudence is our peculiar method of protecting private rights, involving as it does two important elements: first, the writing into constitutions of prohibitions upon the government in favor of such rights; and second, the vesting of power in the courts to invalidate any law that trenches upon these prohibitions. In the progress of our institutional life we have formed the habit of attempting to cure many of the abuses of governmental action by tying the government's hands—and especially the hands of the legislature—with an ever increasing number of constitutional limitations. For more than two generations at least the city has been *par excellence* the butt of legislative abuse. As a result of this fact clauses of various content seeking to set up for the city specifically a degree of protection in its "rights" have been incorporated into many state constitutions; and out of the judicial interpretation of these clauses there has developed a branch of our constitutional law dealing with what may be called, perhaps, the private rights and immunities of cities.

Wholly aside, however, from any consideration of the provisions of state constitutions referring specifically to cities, it is not to be overlooked that the municipal corporation is in many aspects of its being a legal person, endowed with a corporate capacity and with the right to own property, to contract, to sue and be sued. The broad question presents itself: to what extent may the city invoke as a defence against legislative interference the guarantees that are incorporated into our state and national constitutions in behalf of persons and property in general? It is by no means difficult to cite the opinions of courts and commentators that seem to answer this question with enviable cavalierness; but it is submitted that these opinions are often expressed without adequate appreciation of their logical consequences and that the knot of legal principles involved has not as yet been completely and satisfactorily unraveled.

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[1] This article is in large part founded upon a chapter included in a forthcoming volume by the author dealing with the whole problem of the legal relation of the city to the state.

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This article deals with a single phase of this broad subject; to wit, with the question of what protection is afforded the city by the clause of the federal constitution that prohibits a state from passing any law impairing the obligation of a contract. The doctrine that a corporate charter issued by public authority constitutes a contract between the state and the corporators was enunciated by the Supreme Court of the United States in the far-famed case of *Dartmouth College* v. *Woodward.*[3] From the viewpoint of public policy this doctrine, even as applied to private corporations, is certainly open to serious objections.[4] Applied to the charters of municipal corporations its consequences would have been little short of monstrous. In the Dartmouth College case, therefore, the court intimated that such a doctrine would not be applicable to the charters of public corporations; and as soon as the question was squarely presented to the court this intimation was transformed into an express declaration.[5] The unequivocal manner in which the courts have repudiated the idea of the existence of a contractual relation between the city and the state may be illustrated by the somewhat typical language used by Mr. Justice Clifford, speaking for the court in the case of *Mt. Pleasant* v. *Beckwith.*[6] Referring to municipal corporations he said:

> They cannot have the least pretension to sustain their privileges or their existence upon anything like a contract between themselves and the legislature of the state, because there is not and cannot be any reciprocity of stipulation between the parties, and for the further reason that their objects and duties are utterly incompatible with everything partaking of the nature of compact.

Such an unqualified declaration as this would seem to be a conclusive determination of the lack of authority in a municipal corporation to set up under any circumstances a claim to protection under the contract clause of the federal constitution. But the supreme court has not always been so unguarded in its utterances upon this subject. Nor are the reports of state decisions lacking in expressions of opinion that would qualify and modify so sweeping a declaration. Thus a distinguished commentator has recently asserted[7] that the highest court of the land has gone no further than to declare that the charter and legislative acts conferring power or regulating the use of property held by the city "*for governmental* (*state*) *purposes*" do not constitute a contract; and that it is an *established* doctrine of that court "that, with respect to its *private or proprietary rights and interests* the municipal corporation may be entitled to the constitutional protection relating to the impairment of contracts."

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[3] 4 Wheaton 518. 1819.

[4] Goodnow, *Municipal Home Rule,* 40.

[5] *Ibid,* 31, and cases cited.

[6] 100 U. S. 514. 1879.

[7] McQuillin, *Municipal Corporations,* I, pp. 378, 540.

In other words, upon the basis of the distinction drawn in so many branches of the law of municipal corporations between the municipality as an agent of the state and as an organization for the satisfaction of local needs, it is asserted as the view of the Supreme Court that, while the city in its agency capacity does not enjoy a contractual relation with the state, it does stand in such relation with the state in its local, or what is often referred to as its "private," capacity. It is manifest that, if this distinction is to be applied in determining the extent of the city's inviolable rights of contract with the state, Mr. Justice Clifford was wholly in error when he declared that cities had not the least pretension to sustain their privileges upon anything like a contract. We have here, therefore, an obvious conflict of declaration; and it seems desirable that the law, if possible, should be sifted to its foundation.

The distinguished commentator above mentioned cites two cases in support of his statement of the rule laid down by the supreme court. These cases are *New Orleans* v. *The New Orleans Water Works Co.*[8] and *Covington* v. *Kentucky.*[9] The opinions handed down in these cases are, in consequence, worthy of careful examination. The New Orleans case arose over an attempt on the part of the city and certain taxpayers to resist the payment to the water company of rents for water used by the city. The city contended that the original charter of the company required free water to be furnished for municipal uses in return for the company's being exempt from municipal taxation. The opinion of the Supreme Court recited in part as follows:

> There are several reasons why the city cannot claim that this contract was impaired by subsequent legislation: first, because the contract itself, which was in reality between the state and the water works company, was *ultra vires* and void [on the ground that under the state constitution the legislature had no power to exempt such property from taxation], and was so declared by the supreme court of Louisiana in the case between the city and the water works company[10]; second, because the city repudiated its contract . . . ; third, the city, being a municipal corporation and the creature of the state legislature, does not stand in the position to claim the benefit of the constitutional provision in question, since its charter can be amended, changed or even abolished at the will of the Legislature.

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[8] 142 U. S. 79. 1891.

[9] 173 U. S. 231. 1898.

[10] 36 La. Ann., 432. 1884.

After quoting from a number of cases [11] in support of this latter point, the court continued:

> Further citation of authorities upon this point are unnecessary; they are full and conclusive to the point that the municipality, being a mere agent of the state, stands in its governmental or public character in no contract relation with its sovereign, at whose pleasure its charter may be amended, changed, or revoked, without the impairment of any contract obligation, while with respect to its private or proprietary rights and interests it may be entitled to constitutional protection. In this case the city has no more right to claim an immunity for its contract with the water works company than it would have had if such contract had been made directly with the state. The state, having authorized such contract, might revoke or modify it at its pleasure.

Just why the court should, in its conclusion, have introduced the distinction between the city "in its governmental or public character" and in its "private or proprietary rights and interests," in which the court declared that it "*may* be entitled to constitutional protection," it is difficult to see. The distinction was not made in any of the opinions which the court quoted with approval. In one of these cases [12] the court had declared that an act of the legislature of Connecticut discontinuing a ferry, the franchise of which had been enjoyed for over a hundred years by Hartford and subsequently by East Hartford, did not impair the obligation of any contract because this franchise, having been granted to a public corporation, was not in the nature of a contract. It is to be noted, moreover, that the franchise in this particular instance might have been held revocable because the grant was made specifically "during the pleasure of the legislature." The court ignored this fact and based its opinion on the broader ground indicated. Now it may be pertinently remarked that, if a franchise of this kind is to be considered as among the rights which a municipal corporation enjoys in its "governmental or public character," it is difficult to imagine what its "private or proprietary rights and interests" may be. Likewise in the New Orleans case, even though the distinction drawn by the court between the public and the private rights of the city may be regarded as germain to the decision of the case at bar—and certainly it need not be so regarded—it is difficult to see how a "right" which the city enjoys under the authority of state law to the free use of water for municipal purposes can be classed as a right enjoyed in its governmental or public capacity—that is, in its capacity as an agent of the state. Indeed, it is not easy to conceive of a "right" that could be more peculiarly local and, therefore, more "private or proprietary" in character. Of course if the phrase "governmental or public character" is to be given so broad a definition as to include practically the whole gamut of municipal activities and relations, there is obviously no objection to the introduction of the distinction in question. But it is equally obvious that no utility is gained by asserting a distinction that lacks all substance in application.

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[11] *Dartmouth College* v. *Woodward*, 4 Wheat. 518; *East Hartford* v. *Hartford Bridge Co.*, 10 How. 511; *Laramie Co. Commissioners* v. *Albany Commissioners*, 92 U. S. 307; *Williamson* v. *New Jersey*, 130 U. S. 189; *Essex Pub. Road Board* v. *Skinkle*, 140 U. S. 334.

[12] *East Hartford* v. *Hartford Bridge Co.*, 10 How. 511. 1850.

The case of *Covington* v. *Kentucky* involved the following facts: In 1886 the legislature of Kentucky passed an act authorizing the city of Covington to construct a waterworks and exempting the same from state taxation. The state constitution adopted five years later contained a provision exempting from taxation "public property used for a public purpose." In 1895 certain lands which the city had acquired for its waterworks were assessed for state and county taxes, and, upon the city's refusal to pay, were sold in satisfaction of the tax claim. The city contended: first, that the act of 1886 gave it a contractual exemption from taxation the obligation of which the state had sought to impair; and second, that the property was "public property used for a public purpose" within the meaning of the state constitution. The latter contention involved no federal question, and Mr. Justice Harlan, who rendered the opinion of the court, reluctantly accepted the interpretation put upon the state constitution by the Kentucky court of appeals to the effect that the property in question was not "public property" but property held "for the profit and convenience" of the people of the city collectively.[13] He denied, however, that the imposition of the tax by the state impaired the obligation of a contract into which the state had entered with the city, basing his opinion upon two grounds. First, assuming that the property was not public property, he pointed out, nevertheless, that there existed in 1886 a general statute reserving to the state the power to amend any charter that it might grant; and in consequence of this, the state had full power to alter the terms of its grant of power to construct a waterworks without impairing the obligation of any contract. Second, if it be conceded, as the city contended and the highest court of the state denied, that the property was "public" in character, then the protection of the federal constitution must still be denied for "neither its charter nor any legislative act regulating the use of property held by it for governmental or public purposes is a contract within the meaning of the Constitution of the United States."

It must be conceded that in stating the opinion of the court the learned justice *did* imply that a municipal corporation in respect to its "proprietary" or "non-governmental" rights might invoke the protection of the contract clause of the federal constitution. In final analysis, however, it is manifest that the decision went no further than to assert that in this particular instance whatever "contract" rights might be found in the act of 1886 were enjoyed by the city subject to the right of the state to change them under the general reserve statute that existed. It was not necessary to determine whether in the *absence* of such a statute the state by the act of 1886 had entered into a contract with the city which it could not by subsequent legislation impair. Nor was this point directly raised. It is highly probable that, finding the changed condition imposed by the state to be in any case valid under the general reserve statute, the court failed to make an appropriate reservation to the effect that, *if* the original grant of exemption from taxation could be considered as a contract, it was, nevertheless, subject to the reserve statute. Thus the court drifted into an implication that the contract clause of the constitution might in some cases be invoked to protect the city against legislative interference with its "rights."

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[13] This interpretation of the state constitution was subsequently overruled in Kentucky. See *Frankfort* v. *Commonwealth*, 29 Ky. L. 699 (1906) and *Ryan* v. *Louisville*, 133 Ky. 714 (1909).

The New Orleans and the Covington cases are perhaps the only cases of record that may be cited as authority for the assertion that the United States supreme court has in any respect qualified or delimited the broad doctrine laid down in other cases to the effect that a municipal corporation cannot as to its rights and privileges claim the protection of an inviolable contractual relation with the state. And certainly it would seem that, whatever possible concession to the doctrine that the city in its "private and proprietary rights and interests" is protected under the contract clause may be said to lurk in the opinions expressed in these two cases, it can scarcely be said that such a doctrine was *clearly established* by either of them.[14]

In the American scheme of judicial control, dating in its essential parts from the federal judiciary act of 1789, the recorded opinions of the federal courts do not contain the whole body of judicial interpretation of the federal constitution. In this interpretation, as everyone knows, the highest courts of the several states play an important part, for their decision is final in any case in which an asserted federal right is sustained by them. Hence, whenever a rule of constitutional law has not been definitely settled by the highest federal court, resort must be had to the opinions expressed by state courts, if such can be found in point.

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[14] As late as 1907 the Supreme Court, delivering through Mr. Justice Moody in *Hunter* v. *Pittsburgh*, 207 U. S. 161, asserted that the distinction between a municipal corporation in its "public or governmental capacity" and in its "private capacity" has never been expressly recognized by that court, although it has been "noticed." He declared: "If the distinction is recognized it suggests the question whether property of a municipal corporation owned in its private or proprietary capacity may be taken from it against its will and without compensation. Mr. Dillon says truly that the question has never arisen directly in this court. But it and the distinction upon which it rests has several times been noticed." Among the cases cited at this point as merely *noticing* this distinction are the New Orleans and the Covington cases. There can, therefore. be little uncertainty as to the interpretation put upon these cases by the Supreme Court itself.

Now in the reported decisions of state courts a few cases can be found in which laws have been declared void upon the express ground that they operated to impair the obligation of a contract into which the state had entered with a municipal corporation. Thus in 1851 the legislature of California granted to the city of San Francisco for wharf purposes a ninety-nine year estate in a tract of land known as the "city slip property." Two years later the city attempted to make a conveyance of its estate in this property; but the resolution for sale was held to have been adopted contrary to the provisions of the city charter. Subsequently the legislature ratified the attempted sale, and the act of ratification was attacked upon the ground that, since the corporation had not legally consented to the transfer, the legislature was powerless to enact a law which in effect violated its grant to the city. The court, speaking through Chief Judge Field, declared:[15]

> The estate having vested in the city, ceased to be the subject of the legislation of the state, except to the same extent that all property is thus subject. It could not be afterwards divested by the state, or by any proceedings instituted by her direction. . . . Nor is there any difference in the inviolability of the contract between a grant of property to an individual and a like grant to a municipal corporation. So far as municipal corporations are invested with subordinate legislative powers for local purposes they are mere instrumentalities of the state for the convenient administration of the government and their powers are under the entire control of the legislature; they may be qualified, enlarged, restricted, or withdrawn at its discretion. But these bodies, says Kent, "may also be empowered to take and hold property for municipal uses, and such property is invested with the security of other private rights." (I Com. 3 vol. 275.) . . . A legislative grant is an executed contract, and as such is within the clause of the constitution of the United States which prohibits the states from passing any law impairing the obligation of contracts. This was expressly decided by the supreme court in *Fletcher* v. *Peck*, 6 Cranch, 137. It cannot, therefore, be destroyed, and the estate be divested by any subsequent legislative enactment. And though a municipal corporation is the creature of the legislature, yet when the state enters into a contract with it, the subordinate relation ceases, and that equality arises which exists between all contracting parties. And, however great the control of the legislature over the municipal corporation, it can be exercised only in subordination to the principle which secures the invalidity of contracts.

Of similar import—if not, indeed, far stronger in the assertion of the inviolability of contracts between the state and a municipal corporation—is the opinion of Judge Foster, delivering for the court in the New Hampshire case of *Spaulding* v. *Andover*.[16] In 1870 the legislature issued bonds for the reimbursement of the several towns of the state for military expenses incurred by them during the Civil War, the said bonds to be apportioned on the basis of the number of men furnished by each town. Two years later a law was enacted which provided that in the case of persons who had received no military bounty from the town, the money or bond issued by the state should become the property of such persons or their representatives instead of the property of the town. The opinion of the court recited in part as follows:

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[15] *Grogan* v. *San Francisco*, 18 Cal. 590. 1861.

[16] 54 N. H. 38. 1873.

> This [act of 1870] was an unqualified, unlimited, unincumbered grant, possessing all the incidents of an executed and irrevocable contract. A constitutional act of legislation, which is equivalent to a contract, and is perfected, requiring nothing further to be done in order to its entire completion, is a contract executed. Whatever rights are thereby created, a subsequent legislature cannot impair. If the proviso, condition, or limitation, enacted in 1872, had been engrafted upon or made a part of the reimbursement act, it would have been binding, and the town would take the benefits of the act, perhaps, with its burdens. The same rule applies to an obligation created by a constitutional law, which is in the nature of an executory contract, supported by a sufficient consideration. The law of 1872 . . . is invalid, as being contrary to that provision of the federal constitution, article 1, section 10, which declares that no state shall pass any law impairing the obligation of contracts.

Another case in which the invalidity of a legislative enactment was sustained, in part at least, upon the doctrine of the inviolability of contracts between the city and the state was that of *Webb* v. *The Mayor of New York*, 64 Howard's Practice Reports 10, decided in 1882. The act under review in this case directed that a reservoir owned by the city be converted into a park. In declaring this act to be beyond the competence of the legislature, the following opinion was expressed by Judge Macomber, who spoke for the court:

> I perceive no difference between the tenure of property thus held by the city and the proprietary rights of natural persons or private corporations. This privilege, however, is peculiar in this state to the city of New York. Its corporate name is the same that it has had for upwards of two hundred years, long antedating the organization of the state as an independent political entity. And while it was doubtless competent, when the British rule ceased, for the state to take from the city of New York its property and privileges, as an episode of the revolution, it is sufficient to say that it did not see fit to do so. Having once recognized such rights [by express confirmation of the colonial charter of the city] in the organic law of 1777, and having become, ten years afterward, amenable to the provisions of the constitution of the United States, by which it was prohibited to pass any law impairing the obligations of contracts, it is not, in my judgment, competent for the state, under cover of exercising political powers, to take away from the city any vested rights of property. It seems to me that such rights are as indestructible by legislative act as are the property rights of citizens.

In the view of the court, the relation between the city and the state which was here held to be of an inviolable contractual nature grew out of the fact, first, that the city was seized of title to the property in question in fee simple by grant contained in its charter of 1686 issued by Governor Dongan under authority from the English Crown, and, second, that this grant had been specifically confirmed by the several constitutions of the state of New York. In this respect the court regarded the tenure of the city in this property as "peculiar." It will be observed that the court did not hold the law void on the ground that it violated the provision of the then existing state constitution confirming the grant, but on the ground that it impaired the obligation of a contract between the city and the state, which contract had simply been confirmed by such provision. In other words, under the doctrine announced, even though the provision had been omitted from the constitution of 1846, the contract would have remained inviolable. Under these circumstances it is difficult to perceive the respects in which the city's tenure in this property was peculiar. Apart from streets, most of the property owned by a municipal corporation is ordinarily held either in fee simple or, as it were, in trust for some specific purpose. Is the diversion of property from a purpose for which it is held in trust less a violation of contract than a requirement that property held in fee shall be devoted by its owner to another personal use? If it be argued that the "peculiarity" of the tenure arose out of the fact that the grant of title was made by the creator of the corporation —the Crown, to whose capacity in this regard the state succeeded—it need only be answered that, if *any* distinction as to the character of the corporation's tenure in its various properties is to be based upon the source of their title, it would seem that logically the city would be entitled to *less* protection under a "contract" by which it acquired title to property direct from its superior, the state, than in contracts of purchase or dedication by which it acquired property from other owners under a mere authorization from the state. However, whatever may be thought of the soundness of the views expressed in this case, it must certainly be classed with those cases in which laws have been declared void upon the express ground that they impaired the obligation of contracts between municipal corporations and the state.

The three cases here noted, from the California, New Hampshire, and New York jurisdictions, are probably the only instances to be found in the state reports in which a law has been declared void specifically upon the ground that it impaired the obligation of a contract between the state and a municipal corporation.[17] In addition to these, however, there are a number of cases in which the applicability of the contract clause to the relations existing between the municipality and the state has been asserted as *dictum.* Thus in the case of *Benson* v. *The Mayor,*[18] there was drawn into question the validity of an act of the New York legislature of 1845 by which the governor was authorized to appoint three commissioners who should have the power to grant ferry licenses in New York. It was expressly stipulated in the law, however, that these licenses should not interfere with the rights of New York city in and to ferries already established. After having made an extensive historical and legal inquiry in order to establish the fact that the city was possessed of its title and franchise to its ferries in fee simple, the court declared that "the doctrine of the inviolability of such franchise interests rests upon two grounds: (1) the constitutional protection thrown around contracts, (2) the sacredness of vested rights." It was further asserted that the opinion expressed in the Dartmouth College case, in respect to the probable inapplicability to public corporations of the doctrine of that case, extended no further than to require "a strict construction of grants under which such bodies claim rights of a private nature." The point of importance, however, so far as the binding force of these remarks is

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[17] The case of *Trustees* v. *Bradbury,* 11 Me. 118 (1834), cannot properly be added to this list. Here the town of New Gloucester had been granted by the state certain lands for school purposes. Subsequently, upon application of the town, and, therefore, *with its consent,* title to these lands was transferred to a *self-perpetuating* board of trustees.

Still later the leigslature enacted that the trustees should be annually elected. This latter act was held to impair the obligation of the trustees' contract with the state, this decision being rested specifically upon the ground that the trustees were not strictly a public corporation within the definition of that term laid down by Marshall in the Dartmouth College case.

The case of *Ellerman* v. *McMains,* 30 La. Ann. 190 (1878), may also be excluded. The New Orleans charter of 1836 conferred upon the city power to construct wharves and to collect wharfage. In 1874 the legislature passed an act exempting from the payment of wharf charges boats built within the state. This act was held to be void; but no mention was made of the contract clause, the court declaring that this act operated to deprive the city of property without due process of law.

The case of *Town of Milwaukee* v. *City of Milwaukee,* 12 Wis. 93 (1860) is likewise not clearly in point, although it is often cited in this connection. The chief question at issue was as to the authority of the legislature to transfer to the city certain property of the town which was located upon territory annexed to the city. While the course of reasoning employed by the court is by no means easy to unravel, and while the doctrine laid down is certainly contrary to that sustained by an overwhelming weight of authority in cases involving changes of municipal boundaries, a careful analysis of the opinion seems to disclose that the inviolable contract which the court here had in mind was a contract between the town and a private person growing out of the purchase of the property in question. We are not in this article discussing the rights of municipal corporations arising out of their contractual relations with third parties. Such a discussion would necessitate the consideration of many additional cases. It may be remarked, in passing, that while it would seem that a municipal corporation ought to enjoy, as to its contracts with private persons, a degree of protection against legislative impairment comparable to that enjoyed by such persons, it is not difficult to demonstrate from the adjudicated cases that not even in this respect does the public corporation enjoy equality before the law.

[18] 10 Barbour (N. Y.) 223. 1850.

concerned, is that the only material part of the argument of the court was contained in the following declaration:

> The only remaining inquiry is, whether the act of 1845 interferes with vested rights, so far as to require the court to determine its unconstitutionality. It excepts the rights of the city of New York to the established ferries. The plaintiff's counsel contend, that the only established ferry, at all events, was the Fulton ferry. This seems an unnatural construction. A better interpretation would be given by assuming that the legislature meant to include within the exception all ferries to which the corporation had title. This would except from its operation all existing ferries, and make the statute, in this respect, consistent with the vested rights.

In summing up the court concluded, among many points wholly beside the necessities of the decision, "that the act of May 14, 1845, does not, by its terms, embrace, but excepts the three existing ferries; and leaves them undisturbed, in the corporation." It was held by the court that the grant of a ferry license to the plaintiff Benson did, in point of fact, interfere with the city's rights and hence was, on the part of the commissioners, *ultra vires*. In other words, the decision asserted merely that the ferry commissioners had violated the law, and not that the law had impaired the obligation of the city's contract with the state. Hence the remarks of the court concerning the inviolability of the contract between the state and the corporation were clearly *dictum*.[19]

In an early Illinois case—the *County of Richland* v. *the County of Lawrence*[20]—there is found an expression of opinion that gives support to the notion of a contractual relation between municipal corporations and the state. Thus the opinion declared:

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[19] This fact was pointed out by Judge Denio in the later case of *Darlington* v. *The Mayor*, 31 N. Y. 164 (1865) at page 203—a case which, unlike the Benson case, reached the highest court of the state. It ought to be said, however, that in the Darlington case the learned judge approved in part the opinion expressed in the Benson case in respect to the existence of a contractual relation between the city and the state in the matter of ferry franchises. But the opinion thus expressed was confessedly *dictum* also. Indeed it could scarcely have been otherwise, for the case arose over an act of the legislature that made the city of New York liable in damages for injuries resulting from the failure of the city to suppress a mob or riot. The question of the contract rights of the city was only remotely, if at all, connected with the decision concerning the validity of the act. See also the opinion expressed in *Davidson* v. *The Mayor*, 27 How. Pr. (N. Y.) 342 (1864), where the validity of the same statute was under review. It is difficult to escape the conviction of the utter irrelevance either of the contract clause or the due process of law clause as applied to the statute in question; for only by a highly strained construction could either of these clauses be set up to defeat a liability created by law solely because of the source of the title to property against which a judgment, under such liability, *might* be executed. Certainly no private person, possessed of property by title from the government, could assert that the execution upon such property of an otherwise valid judgment against him would impair the obligation of his contract with the government or deprive him of property without due process of law.

[20] 12 Ill. 1. 1850.

> That the state may make a contract with, or a grant to a municipal corporation, which it could not subsequently impair or resume, is not denied; but in such case, the corporation is to be regarded as a private company. A grant may be made to a public corporation for purposes of private advantage, and, although the public may also derive a common benefit therefrom, yet the corporation stands on the same footing as respects such a grant, as would any body of persons upon whom like privileges were conferred.

As bearing upon the significance of this declaration, the facts of this case are of importance. It arose over an act directing the county of Lawrence to pay to the county of Richland, which had been created out of a part of the first-named county, a portion of a certain appropriation previously made by the state to the original county for internal improvements. The court declared that the money in question did not belong to the county, that the grant constituted no contract between the state and the county, but "that the county was the mere agent of the state for the disbursement of a certain amount of money of the state as she directed." All that was germain to the decision of the case was that the statute in question did not constitute a contract; hence the assertion of the possibility of legislation impairing the obligation of contracts between the state and municipal corporations was clearly immaterial to the argument.[21]

A Wisconsin case sometimes cited in support of the applicability of the contract clause to the relation existing between municipal corporations and the state is that of *State* v. *Haben.*[22] Here the city of Oshkosh had, under the authority of law levied and collected a tax for the construction of a high school building. Subsequently the legislature directed that a portion of the money so collected be used for the purchase of a site for a normal school in the city, which school was to be under the management and control of a state board of normal school regents. Said the court, speaking through Chief Judge Dixon:

> It is well settled as to all matters pertaining to vested rights of property, whether real or personal, and to the obligation of contracts, that municipal corporations are as much within the protection of the federal constitution as private individuals are. The legislature cannot divest a municipal corporation of its property without the consent of its inhabitants, nor impair the obligation of a contract entered into with or in behalf of such corporations.

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[21] In *Sangamon County* v. *City of Springfield*, 63 Ill. 66 (1872), the court, in sustaining a somewhat similar act ordering a division of county revenue between the county and the city, did not mention the matter of contract obligation, but declared broadly: "A county is a public corporation, which exists only for public purposes. . . . When, therefore, the legislature directs the application of the revenue on deposit in the treasury to a particular purpose, or its payment to any party, a duty is imposed, and an obligation created upon the county."

[22] 22 Wis. 660. 1868.

So far as the matter of contract obligation was concerned it may well be asked: what, if any, contract was here under review? Surely the court did not mean to imply the grant of the power to levy a tax for high school purposes constituted a contract which could not be revoked or altered by subsequent legislation. Yet this is the only element of the contract idea that can even remotely be conceived to have entered into the situation. The remaining portion of the opinion discarded all mention of contract obligation and argued against the authority of the legislature to take property from the city for a state purpose by the imposition of a tax. This is a question wholly unrelated to the inviolability of contract; and, in consequence it seems not unreasonable to conclude that the above quoted expressions in respect to the impairment of contract obligations were merely general in character and had no specific relation to the case at bar.

A case presenting some points of similarity with the Wisconsin case just noted was that of *Dubuque* v. *Illinois Central Railroad Co.*[23] And here, too, Judge Beck, who rendered the principal opinion, indulged in expressions of opinion which have sometimes been cited in support of the doctrine of the inviolability of contracts between municipal corporations and the state. Thus at one point he declared:

> A municipal corporation, though a public and political institution, deriving its life and powers from the state, possesses a private and proprietary character and, as such, may acquire and hold property by the same constitutional guarantees that extend over natural persons, and the restriction upon legislative action impairing the obligation of contracts preserves those made with it. Rights held by it in its last named character are beyond legislative control and interference.

This case arose over an act of the legislature of Iowa which, subsequent to the levy by the city of Dubuque of a valid [24] tax upon the property of the railroad in the city but prior to the collection of the tax, released the railroad from any obligation to pay such tax even though the levy had been already made. Two points of importance ought to be noted in connection with the decision of the case. In the first place, Judge Beck himself expressly declared that the contract which he held to have been voided by the act was not a contract between the city and the state but between the city and the railroad company. He said:

> The contract impaired by the statute in question is not a contract between the state and the city, embodied in the laws creating and conferring power upon the latter, but the obligation resting upon the defendant to pay the taxes in suit. The case is this: The plaintiff is created by the state, and endowed with the power to levy taxes. It becomes, by this legislation, an artificial person, capable of making contracts within the scope of its corporate powers, and enforcing its rights thereunder. In

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[23] 39 Ia. 56. 1874.

[24] Validity sustained in *Dunleith, etc. Co.* v. *Dubuque,* 32 Ia. 427. 1871.

the lawful exercise of its powers it levies the taxes in suit. The law raises an implied contract, binding the defendant to pay these taxes. This is the contract which is impaired.

Whatever may be thought of the soundness of this reasoning, it is evident that the learned judge did not have in mind the conception of a contractual relation between the state and the municipal corporation, and that whatever he may be construed to have said in respect to the inviolability of such contracts was wholly beside the issue of the case at bar.

In the second place, it must be noted that in this case one judge dissented, while neither of the two judges who concurred in the judgment of invalidity that was rendered expressed any opinion concerning the vested rights of the city to collect the taxes in question, but held the law to be invalid as being in conflict with a specific provision of the state constitution relating to the subject of taxation. It cannot by the remotest possibility be said, therefore, that the case sustains the principle of the inviolability of contract between the city and the state.

In two California cases[25] opinions have been expressed to the effect that the legislature has full power over the affairs and property of municipal corporations except that it may not impair the obligation of a contract. In neither of these cases, however, was the expression in any sense germain to the argument employed by the court, for in neither case was the contention made that any contract had been violated. Moreover, it is not clear, in any view of the matter, but that the expressions as they appear in these cases referred to contracts between the city and third parties rather than to contracts between the city and the state.

Of similar irrelevance are the opinions expressed in *Gutzweller* v. *People*[26] and the *People* v. *Morris*,[27] where legislative enactments revoking the charter authority of municipal corporations to issue licenses for the sale of intoxicating liquors were attacked on the ground that such legislation impaired "vested rights." In neither case was the invalidity of the enactment sustained; nor was the corporation made a party to the suit; nor was it asserted that the right to issue licenses was vested in the city, but rather that the right to have a license issued was vested in third parties by reason of the provisions of the municipal charters.

Certain other cases have occasionally been cited in point,[28] but upon examination it will be found that, to whatever extent the contract rights of cities were under discussion in these cases, reference was had to the contracts of municipal corporations with private parties and not to those with the state.

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[25] *Sinton* v. *Ashbury*, 41 Cal. 525. 1871. *San Francisco* v. *Canavan*, 42 Cal. 541. 1872.

[26] 14 Ill. 142. 1852.

[27] 13 Wend. (N. Y.) 325. 1835.

[28] *People* v. *O'Brien*, 111 N. Y. 1; *Rader* v. *Southeasterly Road District*, 36 N. J. L. 273; *List* v. *Wheeling*, 7 W. Va. 501; *Boyd* v. *Chambers*, 78 Ky. 140; *Helena Consol. Water Co.* v. *Steele*, 20 Mont. 1; *Indianapolis* v. *Indianapolis Gas-Light & Coke Co.*, 66 Ind. 396.

Over against the few state cases herein noted, in which laws have been voided because of their impairment of a contractual obligation existing between the city and the state, and over against the few others in which the assertion of the existence of such relation has been in the nature of judicial *dictum*, may be set numerous broad declarations by state courts to the contrary—declarations like that of Mr. Justice Clifford quoted above. A few instances will suffice to illustrate the tenor of these opinions.

In *St. Louis* v. *Shields* [29] the validity of a law prohibiting the city from collecting wharfage was sustained in spite of the fact that the city had been expressly authorized to maintain and improve its wharves, to incur a large debt for such improvement, and to support the undertaking both by the collection of wharfage and the levy of a harbor tax. The court, speaking through Judge Wagner, said:

> In the passage of the law [providing for harbor improvement] it cannot be pretended that the state made a direct and irrevocable contract with the city. The city possesses no power which is not delegated by the sovereign authority of the state. The state, in the enactment of the law, granted to the city a privilege, but it did not divest itself of the power of repealing or withholding that privilege at pleasure. The city can only raise money and apply it to a particular purpose by virtue of delegated authority, and the same authority that grants the power may alter the law and direct it to a different object.[30]

In 1850 the legislature of Louisiana passed an act providing for the consolidation of Lafayette and certain other adjacent corporations with the city of New Orleans. By an act of 1852 it was stipulated that, while the debt of each corporation was to be assumed by the city at large, it was to be liquidated by taxes imposed upon the inhabitants of the respective districts incorporated into the city. Six years later an act was passed requiring that taxes should be uniform throughout the city. In upholding the validity of this latter act, attacked upon the ground that it impaired the obligation of a contract created by the earlier acts, the court declared:[31]

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[29] 52 Mo. 351. 1873.

[30] The court intimated, however, that if the suit had been instituted by the holders of the harbor bonds that had been issued, and if the insufficiency of the fund for the payment of interest and principle on such bonds had been demonstrated, the law might have been invalidated because of an impairment of the obligation of the bondholders' contract with the city. This is in line with the opinion rendered in *Von Hoffman* v. *Quincy*, 4 Wall. 535. 1866. On the other hand, the decision of the Missouri court in the St. Louis case is quite in line with that of *Gilman* v. *City of Sheboygan*, 2 Black, 510. 1862.

[31] *Layton* v. *New Orleans*, 12 La. Ann. 515. 1857.

> It may be pertinently asked if there was a contract with whom was it made? Not with the city of Lafayette, for the legislature had the power until it became incorporated with the city of New Orleans and was finally protected as a part of the same by the constitution of 1852, to abolish it altogether.
>
> There was no contract made with the individuals comprising the city of Lafayette, for they did not intervene in the proceeding, nor give an equivalent, nor stipulate in their favor that the state should surrender its power of taxation.
>
> As it respects municipal corporations, it has always been held that the law of the state creating them and conferring upon their officers a part of the sovereign authority as mandataries of the government is not a contract, and, as a consequence, that the legislature may modify such act of incorporation at its pleasure.

In an earlier Louisiana case[32] in which there was sustained the constitutionality of an act which admitted the parish of Bossier to a share in the profits and management of a ferry the right to establish which had been previously granted exclusively to the city of Shreveport, the court had said:

> The questions as to the violation of contracts or vested rights under the constitution of the United States, or of the state, does not arise. Those questions grow entirely out of the violation of contracts with, or vested rights of individuals or private corporations established for individual profit. . . . The laws which establish and regulate municipal corporations are not contracts, but ordinary acts of legislation [and the] powers they confer are nothing more than mandates of the sovereign power. . . . Those laws may be repealed or altered at the will of the legislature; except so far as the repeal or change may affect the rights of third parties acquired under them.
>
> The privilege of establishing ferries and deriving revenues therefrom, was given by a law which the legislature, in passing, did not deprive themselves by express or implied contract of the power of repealing or altering it [sic] at will.

Of similar purport with the opinion spoken in Louisiana ferry case was the *dictum* expressed by the supreme court of Texas in the case of the *City of Laredo* v. *Martin*.[33] Here the title of the city to a ferry franchise, granted at its foundation more than a century before and confirmed by its charter of 1848, was drawn into question. The appellees, Martin and others, had been granted a license to operate a ferry by the county court of Webb County, under the authority of a general law of the state regulating the establishment of ferries. The invalidity of their license was sustained by the court on the ground that their title to the land in question was void; but the court also said:

> It may be true that a city cannot claim a vested interest or title to a public franchise free from and independent of the right of the state to

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[32] *Police Jury of Bossier* v. *Shreveport*, 5 La. Ann. 661. 1850.

[33] 52 Tex. 548. 1880.

control, modify, or abrogate it. But while the power of the state to divest the city of its ferry franchise, if it see fit to do so, might not be disputed (*Williams* v. *Davidson*, 43 Tex. 35; *Hudson* v. *Cuero Land Co.*, 47 Tex. 56), yet it will not be held to have been done by mere implication, but it must plainly appear that this was its purpose and intent before it will be held to have done so.

Again, in an early Illinois case—*Trustees* v. *Tatum*[34]—the court was called upon to consider the character of a municipal corporation's "right" in a ferry franchise. In 1818 the sixteenth section of every township in the state had been set apart for school purposes. In one such section a ferry had been established; and in 1833 the legislature had recognized this ferry and had empowered the court of county commissioners to renew the ferry franchise to the school trustees or to the lessee of section sixteen. In 1842 the school commissioner, under statutory authority, sold the whole section except two lots which were retained for ferry purposes. A year later the legislature *required* him to sell these lots also and provided that the purchaser might, under certain conditions to be complied with, forever enjoy the ferry rights. The township complained that its property was by this act appropriated to private use. The court refused to sustain the contention upon the ground that the act did not appropriate the property in question but merely ordered property in the land to be turned into money. But it was further declared that "the township had no rights in a ferry franchise, that were not subject to the entire control of the legislature." This was true not only because the legislature had not, in the opinion of the court, expressly granted such a franchise to the township, but also because, even if the franchise had been granted, "it was competent for the legislature to revoke it." "A grant of this character," declared the court, "may at any time be resumed by the state. It is not like the case of a grant of a franchise to an individual, or a private corporation."

So in the *Board of Education* v. *Aberdeen*,[35] where the authority of the legislature to change the use to which the money received by a city from liquor licenses should be devoted was sustained, the court declared:

> It is quite well settled that a municipal charter is not a contract in the sense of the federal constitution. . . . The charter does not create a contract between the municipality and the state, and it has not such a proprietary interest in money authorized to be raised by its charter as would prevent a subsequent legislature from giving another direction to such money. . . . The rule is subject to the limitation that, under authority conferred by the charter, the municipality may come under such duty or engagements with third parties as to create the sanctity of a contract, so that a subsequent legislature will be restrained in its power so far as that it cannot impair rights which have become perfected.

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[34] 13 Ill. 27. 1851.

[35] 56 Miss. 518. 1879.

In the case of the *People* v. *Vanderbilt*,[36] Judge Selden, with whom one other judge concurred, held that an act of the legislature of New York which transferred to the city of New York "all the title of the people of this State" to the land and land under water in front of and adjoining Battery Park for the specified purpose of creating a public walk and erecting public buildings did not create a contract which the legislature might not subsequently impair by establishing a bulk head line without respect to the grant. This opinion, however, was merely *dictum*, for the municipal ordinance under consideration was held invalid on other grounds, and the opinion of Judge Balcom, with whom two other judges concurred, did not touch upon the question of contract obligation.

These instances are sufficient to show that the assertion of the non-existence of anything like a contractual relation between the city and the state has been made without qualification of any kind in many jurisdictions. Certain conclusions of importance remain to be drawn from this brief review of federal and state cases in which opinions have been expressed regarding the protection afforded the city against the legislature by reason of the principle of the inviolability of contracts.

In consideration of the amount of litigation that has arisen in the United States out of efforts on the part of municipal corporations to protect themselves against legislative interference with their "rights," it is certainly significant that so few laws have been voided upon the ground that the city has enjoyed, even in its "private and proprietary interests," a right of inviolability of contract with the state. In no single instance has the supreme court of the United States declared an act void upon this ground; and a diligent search among many cases cited in point has revealed only three state cases that have so declared acts to be invalid. The two cases in which the supreme court may be said to have implied that the contract clause might be invoked by the city to protect its "private or proprietary rights and interests" against the state cannot be said to have established this principle. Nor can much weight be attached to the *dicta* of state courts to the same effect. Moreover, it is a matter of no difficulty to cite innumerable expressions of judicial opinion, both federal and state, in which, without any qualification in respect to the city's "private and proprietary rights and interests," the notion of any contractual relation whatever arising between the city and the state out of the charter or other statutory grant of rights, powers, franchises, or property is utterly repudiated. On the whole, therefore, it must be admitted that, however salutary and beneficial might be the application of the clause in question to the rights of municipal corporations, it has in fact received very little application.

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[36] 26 N. Y. 287. 1863. See also *People* v. *Havemeyer*, 47 How. Pr. (N. Y.) 494 (1874), where, however, the contract under discussion was one which it was claimed arose, under the law, between the city and the railroad, rather than between the city and the state.

It is evident, of course, that, whether or not they have employed the phase, none of the courts have intended to assert that municipal corporations enjoy an inviolability of contract in anything more than their "private or proprietary rights and interests." But the adjudicated cases leave us with a very hazy conception of what these rights and interests may be. Thus the right to enjoy the free use of municipal water in return for the exemption of the water works company from taxation is apparently not a private or proprietary right, although it is difficult to see just why the city in such a relation should be regarded as the agent of the state. Neither is the right to enjoy exemption from taxation upon property used for a municipal water works, although in most branches of the law of municipal corporations the city in owning and operating such an undertaking is regarded as acting in its private or local capacity. Neither is the right to the enjoyment of an exclusive ferry franchise (under the doctrine of the supreme courts of the United States, Louisiana, Illinois, and Texas, but not according to judicial *dictum* in New York), although it is inconceivable that the courts would, in the absence of any reserved right, permit the legislature to violate the specific terms of such a grant to a private person or corporation.[37] Neither is the right to collect wharfage in support of an expensive municipal undertaking, although if a private person or corporation were seized of title to property in a wharf, certainly no one would contend that the legislature could prohibit the collection of wharfage. Moreover, while the rule is laid down in Missouri that the municipal corporation enjoys no revenue right in its wharves, the right to an estate in wharf property, which estate was created by the legislature, is in California a private and proprietary right resting upon a contractual foundation. In Illinois the voluntary grant of money to a municipal corporation for internal improvements does not create a vested contractual right; but in New Hampshire the voluntary grant of money to such a corporation as a reimbursement for military expenses—in which, of a surety, the corporation was acting as the agent of the state,[38]—does create such a right.

In other words, if the city enjoys a contractual relation with the state that is inviolable so far as its "private and proprietary rights and interests" are concerned, it is manifest that these rights are not always identical with those which a private would enjoy inviolate under similar statutory grants; and it is likewise manifest that from the adjudicated cases we can draw no very concrete conclusions in respect to what "private or proprietary rights and interests" of the municipal corporation are protected against legislative impairment.

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[37] The case of *Charles River Bridge* v. *Warren Bridge*, 11 Peters 549 (1837), may seem to be to the contrary; but the decision of that case simply rested upon the strict construction that was placed by the court on the rights and implications of the franchise that was granted.

[38] See Professor Goodnow's comments, *Municipal Home Rule*, 204, 205.

From this review of the cases in point certain other observations of value might be made in regard to the difficulties and dangers that inhere in the recognition of the principles of contract as between the city and the state, and in regard to certain elements of distinction between rights of property and rights of contract as applied to the situation of municipal corporations. But this would lead us into an extended discussion of all that is involved in the contractual idea, as well as into that still somewhat shadowy valley of the law where the precise relation between the guarantee of contract inviolability and the guarantee of due process of law lies wrapped in nebulous uncertainty. Into these aspects of the subject we cannot here go.

THE APPOINTMENT AND SELECTION OF GOVERNMENT EXPERTS

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IF GOVERNMENT is to be efficient, if what the people want done is to be done as well as possible at the least expense consistent with well doing, there must be an ever-increasing use of technical experts in the government service. The question as to how these experts are to be selected and appointed has been and is, therefore, of prime economic and social importance.

The following general principles are fundamental in the selection and appointment of such experts: (1) such experts must have a sufficient equipment in mental stock and training to enable them to cope with their special problems without undue waste of time and the public moneys; (2) there is like need for experience and common sense to give practicability to their plans, methods and suggestions; (3) of special importance is a high sense of social and public responsibility; (4) to prevent inbreeding and to give comprehensiveness of vision, there must be a national supply of experts available to each and every kind of governmental service; (5) to get results, to prevent duplication, to secure economy in government, there must be unity and co-operation among all the officials of the city, the state or the nation; (6) the work, methods and results of experts and other government officials must be checked up with a view toward creating national standards in efficiency and competence.

It is the purpose of this article to test current civil service practices in the selection and appointment of experts to see to what extent these six principles are being carried out in practice. This article is limited, it must be remembered, to the employment and choice of experts and does not apply to the lower grades of employees.

Civil service commissions were originally created, not to choose experts, but to prevent government offices from being exploited for party ends. Since their creation, however, definite advances of untold importance to efficiency in government have been made. Scientific management has developed principles for private business that must now be adapted to public business. Bureaus of municipal research have been critical of government methods, while everywhere bureaus of economy and efficiency are endeavoring to co-ordinate government activities and to secure higher standards of competence and efficiency.

It has been questioned whether civil service commissions have sufficiently adapted themselves to twentieth century needs. At least there is no longer any doubt that the watch-dog type of civil service must give way to a constructive co-operation with officials to secure high grade experts who are at once both efficient and responsive. Otherwise civil service commissions should and will be supplanted by a central employing agency with the point of view of the new bureaus of economy and efficiency.

I. SECURING EQUIPMENT AND TRAINING

The training and preparation prerequisite to expert service can be ferreted out to a certain extent by written examinations. But civil service in the past has been based on two assumptions that may well be questioned: first, that a written examination suffices for determining training and competence; and second, that any civil service commission, be it city, state or national, can in itself have the grasp of details necessary for setting the examination and grading the papers for all classes of technical experts. In one year seven examiners of the Philadelphia Civil Service Commission read the papers of *more than 11,000 candidates! And these same men largely set the questions for these examinations.* Now, on the face of it, no set of men, however long and careful their training, can become specialists in every phase of expert work demanded in modern governmental activities.

Thus to get questions that will really test the preparation and mental stock of technical experts, the practice has been followed and should be extended of appointing special examiners. The New York, Wisconsin, Massachusetts, Philadelphia and Chicago commissions have called in as examiners men of recognized standing as specialists. A larger use can, no doubt, and should be made of nearby university faculties. University professors are of little use in their own specialties and can be of no great value to their students unless they are competent and willing to be of practical assistance to public officials.

Institutions arise to meet specific human needs. Civil service has met one such need: it has freed government from party spoils. It has developed a social feeling that automatically recoils at the prostitution of public office to party ends. Can it go on from this now to develop as vital an ideal—that the expert must have an ever larger place in government?

By extending the use of special examiners, civil service commissions are to that extent furthering the doctrine, so at variance with the Jack-of-all-trades philosophy of the Jacksonian era, that governmental work requires the specialist.

Emphasis upon choosing experts has characterized and from the very nature of their work will no doubt continue to characterize the men engaged in bureaus of economy and efficiency and in bureaus of municipal research; their social and educational heritage is that of the expert, their point of view essentially at variance with the "Jack-of-all-trades" doctrine. To be of greatest civic usefulness, a like point of view is essential to virile civil service.

II. SECURING PRACTICABILITY AND POWER TO GET RESULTS

But written examinations alone are of little value in selecting experts. Under positions at all well paid almost any applicant will now have or can soon acquire the requisite academic knowledge. But academic knowledge does not make experts. No class-room work can alone possibly translate a student into an expert. The expert must have sense as well as science; his plans and suggestions must be practical, while being constructive and far-seeing. To get these latter qualifications, the written test has, therefore, been supplemented by other requirements. The ratio that these other requirements bear to the written test is summed up in the relative "weights" attached to each.

Typical examples of the weights that have been given of late by typical civil service commissions are given in the appended footnote.[1]

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[1] The Chicago civil service commission gives the following weights: to enter the city's medical service; special subjects, 4; education, spelling and penmanship, 2; experience, 3; report, 1 (subject to be assigned by commission; for the position of chief engineer (board of education), special subject, 5; experience, 3; arithmetic (mathematics), 1; report, 1. For the position of auditor of the water department, at a salary of $2,000, the civil service commission of Kansas City, Missouri, recently set the following weights: training and experience, 4; theory in the practice of accounting, 4; spelling, 1; arithmetic, 1. For the position of food inspector, at a salary of $1,380, the same commission states the following weights: training and experience, 4; knowledge of food laws and of the city's ordinances relating to foods, 2; practical questions, 4.

For the position of sanitary engineer, at a salary of $5,000, the New York civil service commission, in an examination held July 15 and 29, 1913, fixed upon the following: subjects and weights of the examination are as follows: "Technical, 5; experience, 5. Seventy-five per cent is required on the technical paper and 70 per cent on experience. Candidates receiving less than 70 per cent on the experience paper will not be summoned for the technical examination. Candidates should have a *thorough* knowledge of sanitary engineering, the relation of street cleaning and refuse collection to the health of the inhabitants of municipalities, the best modern methods of handling and disposal of refuse, the efficient organization and control of large groups of municipal employees and the successful carrying out of large business undertakings. Candidates should have a *general* knowledge of laboratory investigations, civil engineering relating to pavement construction and mechanical engineering relating to the methods of handling refuse. The experience of candidates should include a broad, general education, extensive reading and study, and travel and observations in this and other countries.

For the position of dentist, the same commission, in its examinations held on July 22 and August 5, 1913, prescribed the following: "The subjects and weights of the examination are: experience, 4; technical, 6. Seventy-five per cent required on the technical paper and 70 per cent on the entire examination. There are eleven vacancies in the department of health; ten at $1,200 and one at $1,500 per annum. The minimum age is 21 years. The salary is $1,200 to $1,500."

For the position of resident physician, in the examinations held on July 30 and August 13, 1913, the following rule appeared: "The subjects and weights of the examination are: technical, 6; experience, 4. Seventy-five per cent required on the technical and 70 per cent on all."

The Philadelphia civil service commission in recent tests has set the following weights: (a) for the position of chief engineer of city transit, at a salary of $6,000 per year; training

An examination of these weights will show that an increasingly large percentage of attention is being given (1) to experience, (2) to theses and (3) to the oral examination.

In the examination for the position of chief inspector of meters held by the civil service commission of Philadelphia in May, 1913, the applicant was required to present a thesis

> outlining what you believe should be the organization of a properly controlled bureau of gas in a city of over a million inhabitants. Write the thesis quite without reference to local conditions in Philadelphia. Divide your thesis into two parts: First, (a) discussion of the operating end of the work. Under this heading discuss: first, the inspection or control of the outside work; and second, recording or control of the inside work. (Not over 1,200 words.) (b) Discuss the technical end of the work under two divisions: First, discuss the best methods of technical inspection of the present day, both physical and chemical. (Not over 1,200 words.) Second, propose one or more researches which would be practical for a bureau of gas to undertake, which should advance the state of the lighting of the city. (Not over 600 words.) This gives three thousand words for the total thesis. This exercise is intended to test the competitor's comprehension of and resourcefulness and originality in solving the problems which come before a bureau of gas in a great city, as well as his ability, logically and clearly, to express his views.

The August examination set the thesis subject as follows:

> The modern practice of illuminating engineering, with a criticism of the above mentioned practice, which criticism is based on personal experience, or on the research work of others. This exercise is intended to test the competitor's comprehension of and resourcefulness and originality in covering in a short thesis this broad subject, as well as his ability logically and clearly to present his views. It is suggested that this thesis include not over 3,000 words and preferably typewritten. The ability of the competitor to express himself logically and clearly in a less number of words will be considered.

The value of the thesis in selecting experts cannot be over stated. Such a test soon gets the candidate down to his "muddle"; where he has

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and experience, 6; judgment, tact and personality (oral), 4; (b) for architect, department of public works: training and experience, 30; executed work, 30; personal qualifications other than the above (oral), 40; (c) for district surveyor and regulator, department of public works, training and experience, 3; thesis, 4; assembled written and oral tests, 3; (d) for secretary of committee on comprehensive plans: Experience, 40; thesis, 30; judgment, tact and personal fitness (oral), 30; (e) for chief examiner and assistant examiner: education, training and experience, 4; thesis, 3; judgment, tact and personal fitness (oral), 4; (f) for the position of chief inspector of meters in the bureau of gas, at a salary of $5,000, the commission for its examination on May 27, 1913, issued the following weights: experience, 3; thesis, 3; written examination, 2; oral examination, 2. This examination did not secure men of satisfactory standard and so another examination was held in August when the following weights were assigned: experience, 4; thesis, 2; written examination, 1; oral examination, 3.

thought clearly he will write clearly. *Read by other experts,* the thesis becomes a goodly test both as to the applicant's knowledge and as to his sense of what can and should be accomplished. In extending its use, civil service commissions are revealing an adaptability that savors well of increasing public usefulness. The oral and written examination can make sure that the thesis is the applicant's own work.

"Experience" is likewise receiving emphasis. Where ballast and practicability are needed this is a good test, but it should not be overworked. Too great emphasis on experience limits choice to those already in official positions or to older persons and thus tends to an inbreeding and static outlook inimicable to the public service.

III. PUBLIC SERVICE STANDARDS

There is a third factor in the qualifications of government experts of far greater significance than their technical information or their practical experience, and that is their sense of public service and official responsibility. The work of experts in government service invariably affects private profit—for self, for friends, for bosses, for private interests. Without a high sense of public honor and social service, the expert is worse than valueless; he is a positive menace. No matter what the technical, practical or academic qualifications of a superintendent of lighting may be, for instance, he becomes a malefactor of the worst type when he allows tests to be conducted in connivance with the appointees of a lighting corporation or when he becomes too deeply imbued with the corporation point of view to appreciate the public's needs and rights. The best asset of private greed is control of the expert in government service. This fact certain interests know full well and hence coach their employees for such positions; flood civil service examinations with applicants of their own choosing; use their influence to limit the choice to local men because upon them powerful social and financial influence can be brought to bear; use their influence in partisan and governmental circles to got only the "safe and sane" appointed; and, then, failing in these methods, they may try at least to get hold of some subordinate employee who will convey to the interested parties secret information as to the expert's methods and plans.

The expert, to be of public value, must be courageous, and, when need be, militantly honest. He must be ready to lose his position in preference to sacrificing his integrity. In other words, he must be imbued with a high sense of social service and official responsibility.

Thus far tests in this field have been limited to tests of character. Thus the New York civil service commission, whose practice seems typical, makes a "searching investigation as to the character of candidates for high grade technical positions, but it does not attempt to give a comparative rating for their sense of practical responsibility and ethical standards." It is just this rating, however, that is most vital.

The Philadelphia civil service commission has recently attempted to test the applicant's sense of public responsibility and his ethical standards. The candidate is given an oral examination before the board of examiners, who are accustomed to sizing up men. These examiners not only render their judgment upon the applicant's appearance and manner, but also question him as to his ideas of responsibility and ethics and watch his bearing and attitude while responding. For example, in the recent examination for district surveyor and regulator, one of the oral questions was as follows: "You as district surveyor have information that a sewage disposal plant is to be located at a certain point. A friend of yours informs you that he intends to buy land in that vicinity. The knowledge that the sewage plant is to be built of course has not been made public. What advice or suggestions would you give him?" Many an applicant by his answer revealed indifference as to what lengths he would go in giving to a friend tips as to official plans. In the notice for the examination of gas inspector, in August, 1913, the commission set aside three points for the oral examination. Through this oral examination it endeavored not only to size up the executive qualifications of the applicant and to secure the service of men able to represent the city in its negotiations with competent men and public service corporations, but also to secure a man "of high civic purpose," and one "who *recognizes obligations to the community other than those he owes to himself.*" When there is no oral examination, as is the practice in too many civil service commissions, no such sizing up of men can be made.

The applicant's standards as to official and public responsibility can also be judged in other ways. Thus he can be required to submit any books he may have written or articles he has published. His thesis should also reveal his point of view. If in these he appears apologetic, there will be sufficient grounds for considering that his sense of official responsibility is inadequate for the service needed. The learned, technical societies to which he belongs, and his record therein, are also important as weighing the pressure he would feel to keep his professional standing high. Of still greater significance are the public committees he has been a member of, and any other ways he has been of service to his community. Questions as to the advice he would give under stated conditions will reveal what he has thought about and wherein he is informed.

These various avenues can all be used to judge a man's social sense and the degree to which he will put the public's interests above his own and above those of corporations or private concerns. By extending diligence here, civil service commissions can help create a high type of expert, appreciative of public interests and social needs.

And this is the vital prerequisite to public service.

IV. A NATIONAL SUPPLY OF EXPERTS

The general public, our city officials, and our civil service commissions have not as yet fully recognized the importance of securing outside experts and of having a national supply of experts available to every governmental agency.

The need for securing outside experts is fourfold. The district surveyor of Philadelphia is practically a city planner for new residential districts. There are but few American institutions where city planners can be adequately trained. If the city of Philadelphia is to prevent inbreeding, if she is to get the best in suggestions from other sources, some of its district surveyors must necessarily be chosen from the outside. A second reason for the choice of outside experts is the freedom of such experts from local political and social pressure. Chicago, for instance, was unable for many years to get from inside its limits any virile expert criticism of its transit plans. Many cities of late, because of the pressure that could be brought to bear through social, industrial and educational channels upon their own local experts, have had to appeal to experts elsewhere for competent criticism of the demands and plans of its public service corporations. A third reason for securing outside experts is the ease with which private interests and public service corporations can "pack" civil service examinations with their own men and thus get upon the eligible list only men subservient to their wishes and needs. And finally, the city, or state, to get the best service obtainable must often go outside its boundaries. No one city or state can ever develop within its own limits every kind of technical expert; government is now far too complex.

A study of present day standards and laws as to residence reveals much to be desired. A typical point of view was expressed only last year when the grand jury of Philadelphia brought in the following report as to its views of the courageous attitude taken by Mayor Blankenburg and especially his director of public works, Morris L. Cooke, in securing outside services:

> The grand jury inquest, says the report, views with emphatic disapprobation the introduction of a new and disloyal policy by Mayor Blankenburg's administration in contravention of the spirit and the letter of the city ordinance of importing aliens and investing them with important municipal positions to the proscription and the wounding of the pride of our own citizens.
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> This grand jury regards the permanent employment of aliens, however well equipped they may be, as a direct and humiliating reflection upon the intelligence, the capacity, the technical and executive ability of our own citizens, and as a slur upon our magnificent institutions of learning.

While this narrow provincialism seems not so dominant elsewhere, yet it is, no doubt, sufficiently prevalent to warrant courageous action and poignant publicity from all interested in real civic advance.

An ordinance of the Philadelphia councils does require that all city employees reside within the city limits during their incumbency. In at least one instance, the Pennsylvania statutes require that the appointee reside in Pennsylvania "for a period of at least one year preceding his appointment." Philadelphia's civil service commission's rule upon this point is:

> No person shall be examined who is not a citizen of the United States and a resident of the city of Philadelphia: provided, however, That the commission may waive these requirements in connection with particular examinations because of the technical or professional character of the position to be filled, or because of the difficulty of securing applicants who are citizens of the United States and residents of the city of Philadelphia.

The Commission waived this requirement that the applicant be a resident of the city in but *three-tenths of 1 per cent* of the 1,238 appointments made during the year 1912.[2]

The rules of the civil service commission of Chicago, of Boston, of Kansas City, Missouri, and other cities, provide that the rule opening positions to residents only may be waived when in the opinion of the board the needs of the public service may so require, or when the examinations are for positions requiring technical, professional or scientific knowledge or manual skill of a high order. The recently adopted charter of Cleveland unhappily provides that all civil service applicants there must be residents of that relatively small community. Even New York City's ordinance requirement is more liberal.[3] The Wisconsin state civil service commission has tried repeatedly to amend the statute requiring residence within the state.

Our cities are still all too provincial in their residence qualifications; and their civil service commissions have not been courageous enough in trying to undermine this provincialism.

The contrast with the residence requirements and those made by English and German cities is most illuminating. In English cities positions are open to the competent, regardless of residence or citizenship. Not only are the positions open to applicants everywhere, but councils usually authorize the town clerk to advertise widely for applicants. Thus, in twelve issues of the *Municipal Journal*, the leading municipal paper of England, there were 485 advertisements for positions to be filled.[4]

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[2] The only cases in which this rule has been waived by the commission were: chief examiner, of the civil service commission which was open to the entire United States, chief inspector of meters, bureau of gas, open to the entire United States; extra examiner, civil service commission, open to the state of Pennsylvania; and farmer, bureau of charities, open to the state of Pennsylvania.

[3] "No person not a citizen and an actual resident and dweller in good faith in the state of New York, shall be eligible to appointment or employment under the city of New York, except for work to be performed for the city of New York outside the state of New York, or for temporary employment requiring peculiar or exceptional qualifications, where evidence in writing is furnished that the work cannot be well done by any actual resident of this state. The consent of the Mayor must be obtained in such a case."

In Germany also the qualifications never include residence or citizenship. Here also the administrative board advertises the fact that applications for appointment to the office will be received and considered. Examinations in Germany, as in England, are qualifying and not competitive. In Berlin recently, thirty applicants appeared in answer to an advertisement[5] for mayor of the city.

If there are to be nation-wide experts, the practice must be extended of holding what is known as "non-assembled" examinations. Many leading commissions, including the civil service commission of the city of New York, do not hold such examinations. The result is the barring out of candidates elsewhere regardless of residence rules. The present civil service commission of Philadelphia has filled a long list of positions by non-assembled examinations.[6]

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[4] A typical advertisement, taken from the same journal, is as follows: "The Council invite applications for the office of MEDICAL OFFICER OF HEALTH, and SCHOOL MEDICAL OFFICER, for the Urban District of Tottenham, from legally qualified and registered Medical Practitioners as required by the Local Government Act, 1888,
Salary £600 per annum, apportioned as follows:

As Medical Officer of Health and School Medical Officer, supervising arrangements for the Medical Inspection of School children	500
As School Medical Officer, actually inspecting Scholars	100
	£600

[5] A typical German advertisement translated from the "Gemeinde-Zeitung" reads:

"NOTICE

"The post of Syndikus in the Magistrat of this city has become vacant. The stipend is 6000 marks per year with an increase of 600 marks every three years until the maximum of 9000 marks is reached. The appointment is for life; and provision is made for a pension on retirement after long service, as well as for the granting of an annuity to the widow or orphans of a deceased incumbent of the post. The Syndikus is expected to preside in the Industrial and Mercantile Court (Gewerbe-und Kaufmannsgericht) and is intrusted with a general supervision over the legal affairs of the city. Candidates who have passed their second legal examination and who have had successful administrative experience are requested to submit applications accompanied by testimonials and other suitable documents to the city clerk before August 20.

"THE MAGISTRAT."

"Frankfort-on-the-Main,
July 17, 1906."

[6]

Chief engineer, department of city transit	$6,000	per annum
Chief inspector of meters, bureau of gas	4,300	"
Architect, department of public works	4,000	"
District surveyor and regulator, department of public works	4,000	"
Secretary committee on comprehensive plans	2,500	"
Chief examiner civil service commission	2,400	"
Diagnostician and consultant, bureau of health	2,000	"
Assistant examiner civil service commission	1,800	"

In these non-assembled examinations applicants are frequently required to report for a local examination, only after qualifying for it. Thus the Philadelphia civil service commission's requirements as to the inspector of meters, above cited, provided that no applicant who fails to attain a rating of 70 per cent in experience and thesis, could take the written or oral examination. That is, six out of the ten points were determined before ever the applicant was required to report to the city for the test. Applicants are thus encouraged from all sections of the country. They naturally feel that since they are already safe on six of the ten points, it will be worth their time and trouble to try out on the remaining four points.

V. RESPONSIBILITY AND UNITY AMONG GOVERNMENTAL DEPARTMENTS

Scientific management has clearly established certain principles for business efficiency which are alike applicable to governmental efficiency: (1) to avoid all conflicts by placing responsibility so that there may be credit to whom credit is due, and (2) so to motovize employees that all "soldiering" may be done away with. In applying these principles to governmental positions, the director of public works of Philadelphia, Morris Llewellyn Cooke, issued a little pamphlet which read: "If you have any complaints to make, kindly write to the person named in the circular. If complaints do not receive prompt attention, then write to the director of the department." Then follows an alphabetical list of the things the average citizen would want to complain about, and the name of the responsible chief.

The department chief must be clearly held responsible. Responsibility cannot be fixed if he cannot choose his own expert. Soldiering must be done away with. No competent governmental chief will tolerate such a situation as has existed in a certain city familiar to the author where all the work done in a bureau whose total appropriation for salaries was $10,000 was done by a man receiving a salary of $750. Essential to efficiency is co-ordination in all the governmental departments. For instance, the city's health, clean streets, an efficient market policy, all require responsive, well correlated work. To secure such work there must be an esprit de corps among officials, born only of unity and a desire to succeed. This can never be attained where the responsible individual does not have the power to appoint and remove his subordinates.

Latitude to city officials in choosing their subordinates and experts has been secured in various ways. One way has been to make a long list of positions for which either no examination or only qualifying examinations are essential. Thus the newly adopted charter of Cleveland exempts from civil service tests, not only all officers elected by the people, but also the members of all boards or commissions appointed by the mayor, advisory boards appointed by the director of a department, the secretary to the mayor and one secretary for each elective officer, director of a department, and for each board or commission appointed by the mayor, the clerk of the council, and such heads of divisions as the civil service commission shall from time to time, by rule, determine.

A second method for giving the appointing authority some latitude is to allow him to choose among the eligibles, occasionally four as in Pennsylvania, but usually three. In the oral tests of civil service examining boards the examiners themselves must use a large degree of judgment in making the applicant fit into just *their* ideas of what the position demands. This cannot be gotten away from. Either the *personal opinion of an examiner* or the *personal opinion of the responsible official* must determine the selection of the expert. To the author the opinion of the responsible official is the opinion to be desired. In Philadelphia of 785 appointments made from May 1, 1912, to November 15, 1912, No. 1 was chosen in 26 per cent of the cases; No. 2 in 24 per cent of the cases; No. 3 in 22 per cent, and in 27 per cent of the cases No. 4 was chosen. Or to sum it up the first men on the list was chosen in only about one-fourth the total number of cases. This the Philadelphia civil service commission feels is a direct blow at its authority and power; to the author, it is a tribute to the discretion used by the responsible official, a discretion essential to a responsive, efficient, co-ordinated government.

The third method of securing an expert that will work in harmony with the appointing authority is by conference between the official and the civil service commission and by asking the official to submit sample questions. Thus prior to every examination, the Philadelphia commission by letter asks the appointing authority for a statement setting forth the requirements which he would like to have met by the applicants. This statement is passed upon by the commission and its examiners, frequently after personal study of the particular position, the duties involved and the requirements that should be met. The statement furnished by the appointing officer thus modified is published in the announcement of the examination. The questions for the examination are prepared with this statement as a basis, and the experience of the applicants is rated with those requirements in view. Of course, the civil service commission assumes full responsibility for such statement of duties and requirements and makes use of it only after due investigation on its part. In other cities the custom is followed of asking the appointing authority to submit sample questions. These questions, of course, are not followed in their entirety, but are used as a basis for other questions.

Still another method of securing latitude to the appointing authority is to give him power to remove. The power and efficiency of the responsible government official could be broken down by no more direct method than limiting his power of removal or requiring a hearing to be given before the civil service commission or other authority. This power Mr. Goethals made a prerequisite to his accepting the office of police commissioner in New York City. To be sure, if the removal is on the ground of political or religious charges, a hearing should be had, but if on any other grounds, the appointing authority's decision should stand. The proposed charter of Dayton, Ohio, makes the mistake of giving to any officer "who is suspended, reduced in rank, or dismissed from a department by the director of that department or the city manager," a public hearing before the civil service board.

A final method is by allowing provisional appointments and by exempting certain positions from examinations. There are 677 positions in the exempt class under civil service of New York. This is but 1 per cent of the 55,000 employees, serving under the jurisdiction of the commission.

VI. STANDARDIZATION OF EFFICIENCY

And finally there is needed standards, nation-wide standards, as to the character of service experts should perform. The Chicago civil service commission, through its efficiency bureau, has done much to forward just this method of advancing governmental effectiveness. Greater work, the real effective work, has been done, however, by bureaus of economy and efficiency and bureaus of municipal research. Nation-wide publicity of the work of experts will raise these standards as will no other single factor.

CONCLUSION

The above survey reveals that civil service commissions are active in adapting their methods to contemporary governmental needs. This is by no means a general tendency among all of them, however. There is still need for more of the spirit of the new bureaus of economy and efficiency. A central appointing agency, highly specialized and expert in choosing men, with constructive ideals of efficiency in government is the sort of institution, regardless of its name, now needed to secure better and saner government assisted by high grade experts.

A REVIEW OF THE CIVIL SERVICE LAWS OF THE UNITED STATES

BY ALBERT SMITH FAUGHT[1]

Philadelphia

I

THE point of greatest weakness in a republican form of government lies in the methods adopted for selecting the persons entrusted with the governmental machinery. The criticism that democracy as exemplified in America is still on trial and has not yet demonstrated its superiority over rival systems which have flourished in the old world countries finds its strongest justification in the disordered political conditions which persistently manifest themselves in the United States. The people of America are not oblivious as to the possible existence of defects in their system of government, and recent years have witnessed conscious efforts on the part of states and communities to study actual political conditions that they may be improved by remedial and preventive legislation.

The division of the American Commonwealth into innumerable states and partly autonomous municipalities, able within certain limits to propound and try out legislative or administrative remedies for the cure of political evils and abuses, has operated towards converting each into a political and sociological laboratory for the investigation of governmental problems. The scientific method of original experimental research is thus in effect being applied throughout the United States to the study of actual political conditions. The fact that the American people whose political conditions are being investigated are at the same time themselves the investigators is a unique feature. The complexity of political conditions is such that each step forward or backward in the solution of governmental problems doubly augments or retards the power of the people to achieve the next step.

Public officials and employees under a republican form of government can be selected only by one of two methods, or by a combination of them, namely by election or by appointment. Since men are said to be born free and equal, heredity is not recognized in a republic as an additional mode of selecting office holders, although perhaps it is allowed surreptitiously to exert its influence in "grandfather" clauses and in the preference given to veterans' orphans in making appointments to office. Restricted to the two methods, election and appointment, the results of legislative efforts at regulating the selection of public officials are found upon the statute books of the various states in the form of election laws and acts establishing civil service systems.

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[1] Member of Council of National Civil Service Reform League.

The two available methods, election and appointment, for choosing public officers are capable of being combined in many ways. At one extreme any citizen may be eligible for an office filled at an election in which all adult citizens of a community, men and women alike, participate. Restrictions as to age, sex, education, property and other qualifications may be imposed in determining the electorate. The indirect election of the president of the United States by members of the electoral college, who alone have the right to cast legal votes for the incumbent of that office, was originally intended as an extreme restriction on the electorate for this most important office. If the electoral college had been allowed to become a deliberative body with real power to chose the president this method of election would closely resemble the modern system of appointment of public employees by a small city council of a municipality under the commission form of government. If the group having the power to elect or appoint be further restricted, we reach the typical case of a public officer having the sole right to appoint others to office, the whole power of election becoming concentrated in one individual.

Restrictions may also be imposed upon those who are eligible for election or appointment. We here enter the domain of civil service laws. Either rigid limitations may be established as to residence, age, experience and various other matters; or relative and preferential restrictions may be imposed by favoring certain classes of citizens for appointment, such as veterans in Wisconsin, "where practicable, other conditions being equal," or persons injured in the public service as in Los Angeles. The extreme restriction upon the privilege of appointing public officials is the requiring of appointment to office of a particular person to be designated by a process eliminating completely or as far as possible every element of discretion. Usually under civil service laws, the appointing officer has a choice among the three highest available names on the appropriate eligible list, but in Illinois the statute requires the appointment of the particular individual who has attained the highest mark or rating after a competitive examination. Another extreme limitation upon the power of selecting public officers and avoidance of personal discretion in making appointments is also attained by the Chicago civil service law which allows laborers to be selected by lot from among those on the appropriate eligible list.

In the forum of public opinion to-day there are being discussed the merits and defects of many important experiments in selecting and removing public officials such as the non-partisan primary, the proportional representation plan of electing a city council, the recall of judges and the establishment of civil service systems. The nation as a whole recognizes the evils and dangers which accompany the old order of government by political machines maintained by election frauds and chicanery and supported by the spoils system. As to the proper remedies, there is still wide divergence of opinion, and we have not yet obtained a final answer to Tweed's question as to what we are going to do about it.

It is clear that the problem of election law and that of civil service law are but two phases of one of the greatest problems of a democracy, the choosing of just and efficient administrators of the machinery of government. Space does not permit the adequate consideration of either of these two subjects. The current discussion of the drafting of a model civil service law [Footnote: see the Consideration of the Draft of a Model Civil Service Law Proposed by Mr. Robert C. Catherwood, page 377 of this issue] renders the present time opportune for a brief review of certain of the civil service laws and systems in force in the United States. Among the wide diversity of legislative experiments, it may be possible to point out certain tendencies pointing towards the recognition of essential features of effective civil service systems.

II

The United States Civil Service Commission[2] concisely reviews the present extent of civil service in the United States in the following language: "Of the whole number of public employees in the United States—federal, state, county, municipal and village—not far from 600,000, or nearly two thirds of the entire number, are withdrawn from the spoils system and appointed upon a merit basis, under laws intended to regulate and improve the public service. The experience obtained in the administration of the merit system by more than two hundred civil service commissions under varying conditions has demonstrated the value and the success of the system of obtaining well-qualified persons for all classes of positions, including the higher expert positions."

Almost thirty different types of civil service laws may to-day be found in actual operation in the United States. A wide variety of methods and principles, not always consistent with each other, are found embodied in these acts. The object to be attained is presumed to be the same in each case and may be summarized as follows: (1) to increase the effectiveness and economy of work done by public officials by weeding out incompetents and allowing the appointment only of those who are fully competent to perform the required duties; (2) to minimize the waste due to frequent changes in administrations by making permanent the tenure of office of competent public employees; (3) to minimize the danger of public officeholders maintaining themselves in office by improper political methods and of being paid out of the public treasury for service rendered to a political party instead of for work performed as public employees for the community as a whole; (4) to encourage faithful service to the community by rewarding it with promotion and permanency in office; (5) to protect public officers from outside political pressure so that they may devote all their time and energy to their public duties and be free from any obligation to make political contributions or render political service as a condition of continuance in office; and (6) to establish equitable methods of giving every man of equal ability equal opportunities of obtaining desirable positions in the public service.

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[2] Twenty-ninth Annual Report (1912), page 38.

The civil service laws now in force in the United States have been enacted by many types of law making bodies. The federal civil service law, including the District of Columbia and the outlying possessions, is based upon acts of Congress, the first of which was passed on January 16, 1883, as the result of widespread agitation against the spoils system which had evolved a disappointed office-seeker as an assassin of President Garfield. The United States Civil Service Commission, appointed and removed at the pleasure of the President, is the administrative head of the federal system which now has jurisdiction over 273,000 persons in the employment of the United States government.

In the constitutions of three states are embodied civil service requirements:—New York, adopted on November 6, 1894; Colorado, amendment of 1902; and Ohio, adopted on September 3, 1912. Article 15, section 10 of the Ohio constitution reads: "Appointments and promotions in the civil service of the state, the several counties, and cities shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision." The New York constitutional provision contains an additional clause giving special preference and protection to veterans. The principle that old soldiers of the United States should form a caste of favored citizens may have its value in encouraging military service but it is not one which has any immediate connection with the principles which have led to the extension of the civil service system as a means of selecting public officials in the democracy of the American people. The Superior Court of Pennsylvania in the case of *Wood v. Mulholland*,[3] decided that the clause of the Philadelphia civil service law which exempted from its operation veterans and the widows and children of veterans was unconstitutional as granting privileges to a special class but whether the New York constitutional preference of veterans is in violation of the United States Constitution has never been decided. The third and remaining state with a civil service provision is its fundamental law is Colorado, where article 20, section 3 places the police and fire departments of Denver under the protection of such civil service regulations as are to be established by the city charter.

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[3] 46 Pa. Super. Ct. 573.

The various state legislatures have frequently enacted civil service laws, covering at times all the state, county and city employees, and on other occasions only the civil service of a city or class of cities, or possibly merely the police and fire departments of a city. Instead of an act of the legislature, in at least one instance, a city with 30,000 inhabitants dwells under the protection of a civil service system based solely upon an ordinance adopted by the city's legislative body. Newport, one of Kentucky's cities which has the commission form of government, adopted on January 22, 1912, an ordinance establishing a complete civil service system.

III

While civil service systems thus trace their origin to different legislative sources, they also fall into a new series of groups with respect to the scope of the positions included within each system.

Four states have civil service laws which cover not only the state service, but officials of the cities and counties as well. The tendency towards dissimilarity in form of law is again apparent and these four states represent four different systems of administration of the civil service principles. The oldest law is that of New York enacted on May 4, 1883, under which a state commission appointed by the governor has direct charge of the civil service of the state, counties and villages and has supervisory control over a series of forty-seven local civil service commissions, one for each city, appointed by the mayor, except in exceptional circumstances when the state commission may appoint the local commissioners. In practice the system is unwieldly and there is a certain lack of uniformity in the rules and administration of the law by the various local commissions. The commission in New York City operates under the general law supplemented by a series of civil service provisions of the charter of Greater New York City.

The next oldest state civil service act is that of Massachusetts which became a law on June 3, 1884. The dual system of a state and many local commissions is maintained, but all the work is centralized and the state commission in fact has the entire responsibility in the administration of the law.

The third act of this group is that of April 10, 1908, of New Jersey. Local commissions are done away with altogether and a single state commission alone is in charge of the law's administration. One important feature of the New Jersey act may be here mentioned,—that while it applies immediately to the state service, it takes effect in cities and counties only upon adoption at an election by the voters of each of these communities. The Court of Errors and Appeals of New Jersey in *Booth v. McGuinness*,[4] in upholding the constitutionality of the law as a whole, decided that that provision of the act was unconstitutional which enabled the council, instead of the voters of a city, to adopt the law, and make it apply thereafter to the civil service of such city.

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[4] 75 Atlantic Reporter 455.

One of the most recently established state systems covering the state service and that of cities and counties is the law of Ohio, which became effective on January 1, 1914. Here there has been a return to the dual system, but the state commission has charge of the civil service of the state and of the counties while in each city a local commission administers the law as to employees in the service of the city and in the school district which corresponds to the city. Doubtless the maintenance of the local city commissions is due to the influence of the existing civil service commissions in Columbus, Cleveland and other Ohio cities.

There are five other state civil service laws which properly form one group, since each covers only the state service, Wisconsin and Illinois, enacted in 1905, Colorado in 1907 and California and Connecticut in 1913. In these states the operation of civil service systems had first been tried out by local municipal commissions, which were allowed to continue their work without interference upon the enactment of the state law. One result has been the multiplication of commissions, there being eight in California and five in Colorado, while in Illinois there are at least eight commissions representing five separate civil service systems, a state civil service commission; one for each city adopting the municipal civil service law, Chicago, Evanston, Springfield and Waukegan; separate boards administering civil service in the fire and police departments of cities of from seven to one hundred thousand which have adopted a certain act, Aurora, Joliet, Rockford and Elgin; a commission having charge of the civil service in Cook County, and finally another with jurisdiction over the West Chicago Park employees. There is apparently an unnecessary duplication of work in maintaining so many commissions when a consolidation is possible. The New Jersey system of one commission doing all the work for the state, counties and cities shows the possibilities of a single comprehensive system of civil service in a particular state.

IV

The cities of the United States which are under civil service may be divided into numerous important groups, according to the nature and source of the civil service provisions of their charters, and also according to the form of government, whether modeled upon the old pattern or after the new commission type. The lines of cleavage cross each other and a particular city may be found in two or more of the groups. A fundamental distinction separates cities whose machinery of government is provided for by general or special laws of the state legislature from those which enjoy more or less autonomy resulting from "home rule" charters which have been drafted and adopted by the voters of the municipality. California, Colorado, Michigan, Minnesota, Missouri, Oklahoma, Oregon and Washington allow within certain limits some of their cities the privilege of adopting charters of this type. Each city, to a limited extent, is free to select its own form of local government, including the privilege of recognizing or ignoring such principles as that of basing civil service on the merit system. By no means all of the home rule cities have adopted civil service and eliminated the spoils system, but where the merit system has been resorted to it necessarily has been by the voluntary action and choice of the community. Among the more important cities with home rule charters, which have incorporated therein civil service principles, may be mentioned Denver, Kansas City (Missouri), Los Angeles, Oakland, Pueblo (Colorado), Sacramento and San Francisco.

The civil service provisions of the charters of these cities differ widely among themselves and in instances present unusual features. Thus in Pueblo the civil service commissioners are elected by the voters and are subject to the "recall." Los Angeles has five civil service commissioners, almost the only instance in the country of such wide departure from the usual type of a commission of three members. In Denver the members of the police force are by the state constitution directly placed under civil service, while in Missouri, policemen are considered as state officers so that in Kansas City the police department is excluded from the jurisdiction of the civil service commission.

The point of view shifts when we turn from cities with home rule charters to those whose form of government is provided by the state legislature. In the former case the community may recognize that it needs the merit system, in the latter the legislature as a paramount authority may decide that certain municipalities should have civil service instead of the spoils system. A community conscious of its troubled politics may itself seek relief or the fatherly legislature may insist upon its getting relief from the spoils system.

The legislative will may be expressed by special laws for particular localities as is exemplified by the civil service law of New Orleans, and by the charter of Greater New York City with its numerous clauses referring to the civil service, and also by the host of special and local civil service enactments with which the Massachusetts legislature has confusedly built up its complicated system. The reasons are not clear for state legislation to the effect that druggists shall be eligible like normal citizens for appointment to public office (Acts 1912, chapter 212, page 139), or that assistant watchmen in the state prison must be between twenty-five and forty years when appointed (Acts 1899, chapter 245). Massachusetts may be considered to be farthest away from the home rule charter cities in spite of its own early history when each of its towns was sufficient in all things unto itself.

The present tendency is away from state interference in local affairs by special legislation. Municipalities are classified by population and laws passed for each class. Frequently, however, there is only one city of the most important class and the practical effect is to allow legislation for such city under the paraphrase "every city of the first class." This is the way the Pennsylvania legislature refers to Philadelphia. In this state also there are only two cities of the second class, Pittsburgh and Scranton, which are incongruously yoked together although one is four times the size of the other. In addition to these Pennsylvania cities, Milwaukee may be mentioned as having a civil service law enacted for cities of a certain class, in effect meaning one particular chief city, while the recent act of March 25, 1913, creating a civil service commission in Minneapolis applies in terms to all cities of the first class not organized under a certain section of the state constitution.

Elsewhere civil service laws for particular classes of cities may apply to a substantial number of municipalities, for instance the law adopted by referendum by Chicago, Springfield, Evanston and Waukegan in Illinois, and the commission form of government law containing civil service provisions which has been adopted likewise by referendum by Des Moines, Cedar Rapids and several Iowa cities. Civil service laws applying only to police and fire departments may be mentioned in this connection, such as those adopted by Milwaukee in Wisconsin and Rockford, Aurora, Joliet and other cities of Illinois.

It is to be noted that practical experience shows that when there is only one city in a class the representatives of that city in the legislature generally have a controlling voice in all legislation affecting such city. Bearing this fact in mind it is manifest that in every one of the municipalities under discussion civil service has been adopted only at the instance of the local community, either by including the merit system as part of the home rule charter as in the California cities, or by referendum adopting the provisions of a state law applying to several cities, such as that of Illinois, or by procuring special legislation for such city either directly as in New Orleans, or under the guise of laws for "every city of the first class," as in Philadelphia. This generalization applies to nearly all cities in the country except those of New York and Ohio and possibly of Massachusetts. It is in New York and Ohio that there are constitutional provisions directing that the merit system is to be established throughout the state, thereby including the cities, and the voters of the municipalities are in no wise consulted except as members of the commonwealth adopting or rejecting the state constitution.

While the people of the United States have not yet decided as to the extent to which the state legislature should interfere with the local government of municipalities, it would seem that the principles of civil service are of such fundamental importance that the state as a whole may properly be interested in the question whether the spoils system is to be allowed to exist in any of its sub-divisions. Although communities drafting home rule charters frequently recognize the importance of civil service principles the tendency at the present time may be said to be towards the enactment of complete systems of civil service covering not only state employees but those of municipalities and other sub-divisions of the state. Frequently the need for civil service is first recognized as to municipal employees and the system is extended to state employees only after local commissions have been in operation for several years.

V

Another fundamental distinction for the classification of cities relates to the form of government. The commission government cities form an important group distinct from those with the old established bicameral numerous councils. This younger group contains representatives of every one of the types of cities already mentioned. Des Moines and other Iowa cities have adopted by referendum the uniform commission form of government act in which the civil service system is embodied. Springfield (Illinois) has by referendum adopted two general laws, one establishing the commission form and the other covering civil service. New Orleans was already provided by a special act of the legislature with a civil service system when it recently was given the commission form of government. In that city the civil service system was left unimpaired, practically the only change being in the designation of officials who should form the civil service commission. Oakland (California), Pueblo (Colorado), and Sacramento (California), are home rule cities with civil service provisions incorporated in their charters. Newport (Kentucky) is a commission city in which the city council has adopted an ordinance establishing a comprehensive system of civil service. Grand Junction (Colorado), a city of 7,700 inhabitants is at one and the same time trying three twentieth century remedies for political evils, the commission form of government, civil service and a system of preferential voting which is a modification of the proportional representation plan which was recently discussed in the Review. [Footnote. See issue for January, 1914, p. 49.]

No two laws for the establishment of commission government in cities are identical in their civil service features. In Des Moines the city council elects the civil service commission. In Pueblo the people elect the members. In Keokuk and the smaller Iowa cities the city council themselves act as civil service commissioners, while in New Orleans, the mayor and two of the city council designated by the entire council act as the civil service commission.

Out of 186 cities reported as having the commission form of government, on January 1, 1913, forty-five appear to have civil service principles incorporated in their charters or laws. But when only cities of fifty thousand inhabitants and upwards are considered, out of twenty-one such cities, two-thirds are found to be under the merit system.

VI

Turning to counties which are under the civil service, we find that there are three well-defined types of laws. The state-wide laws of Ohio, New York, Massachusetts and New Jersey cover county employees, in each instance the state commission having direct charge of the enforcement of the law. In the first three states named the law is mandatory, while in New Jersey the voters of a county may adopt the civil service law. A second group consists of cities large enough to include a coterminous county, such as Denver, and San Francisco, in each of which the municipal civil service commission administers the law for the benefit of city and county employees alike. This plan is in contrast with that in force in Philadelphia where the civil service law applies only to city office holders, positions which are technically county offices, although essential parts of the government of the municipality, not being covered by the law.

Finally, Cook County, Illinois, has a separate civil service commission under special acts of the legislature. In view of the fact that there also is a separate civil service commission for the West Chicago Park system, the reason for this duplication of machinery is not apparent.

While counties are generally recognized as being convenient units for the administration of justice and the establishment of separate courts, no demand is apparent through the country for the creation of separate civil service commissions for the various counties. The Cook County law was enacted in 1895 and the present tendency appears to be toward the extension of civil service principles to the employees of counties by placing the work of administering the law in the hands of a single state commission instead of numerous local commissions, yet it must not be forgotten that on November 5, 1912, the voters of Los Angeles County adopted a home rule charter containing a civil service system.

VII

It is not possible here to touch upon the detailed provisions of the various civil service laws such as those relating to the classification of the service, the scope and character of examinations, and the several systems of keeping efficiency records. These matters present many interesting questions and would serve as further illustrations of the versatility of the American people in their endeavor to devise thorough yet practical systems of automatically selecting honest and efficient public servants according to their merits rather than their politics. Restricting our inquiry to the origin and general jurisdiction of the various civil service systems, we find that there has been in recent years a marked increase in the rate at which the principles of civil service are being extended and applied throughout the country. During the legislative period commencing January, 1913, three of the states enacted comprehensive state-wide civil service laws—California, Connecticut and Ohio—so that there are now nine states with such laws with a promise of a steady increase in the number from year to year.

Generally speaking the need for civil service is first felt in the larger cities and in response to the demand a system is established locally with a municipal commission as the administrative body. With the exception of St. Louis every one of the twenty largest cities of the United States now has civil service as part of its machinery of municipal government. After local commissions have been established for several years, the tendency is to extend to the state service the system which experience shows has produced locally beneficient results. When the state civil service law is enacted the work of the municipal commissions is frequently allowed to be further carried on locally instead of placing the entire administration of the law in the hands of a single state commission. Such has been the course in Ohio and California, although in New Jersey a single commission conducts the examinations for appointments to positions in the service of cities and counties as well as of the state itself.

There is a distinct advantage in centering the responsibility for the administration of an entire state system in the hands of one commission, since a commission should be freed as far as possible from subserviency to the officials over whose political ambitions and actions it may be designed to act as a check. If the civil service law is administered by the appointees of a mayor who are subservient to his political demands, the system may become an instrument of confusion and a means of defeating the very purpose for which the law was passed. If the civil service commission is subject to manipulation and improperly stamps its approval upon actions which amount to deliberate discriminations in favor of the adherents of a particular political party, the people, lulled to security by the apparent fairness of the law, may be in a worse condition than if their vigilance had been maintained by the absence of such legislation. This contingency will probably occur but rarely, nevertheless, the single state commission is generally beyond the reach of local political influence and is more responsive to a healthy public opinion insisting upon a just and impartial administration of the law. In seeking the best men to act as civil service commissioners, we find ourselves face to face once more with the old problem of democracy in America, as to the proper means of securing men just and capable of administering the law and the machinery of government.

THE NEW YORK SCHOOL INQUIRY

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A STATEMENT as to what the New York school inquiry was may probably be best begun by stating what it was not. For there exists an apparently common misconception as to its character—a misconception which manifests itself by the reference to the body which conducted the inquiry as the "Hanus Committee." The committee on school inquiry was a committee of three members of the board of estimate and apportionment of New York City, the body controlling the finances of that city, appointed under resolution of that board to investigate the efficiency and wisdom of the methods of expenditure of the enormous appropriations annually granted to the department of education. The committee divided the work of investigation into two parts, the one being concerned with the purely business aspects of the department's work, the other the educational aspects. The general supervision of the educational branch of the inquiry was entrusted to Dr. Paul H. Hanus of Harvard University. He was permitted to nominate his own assistants, but his nominations were in every case submitted to the committee for approval. Both because of the more fundamental character of the subjects treated, because of their fuller publication and because of a great amount of publicity due to adventitious causes, the reports prepared by the investigators working under the direction of Dr. Hanus attracted much wider note than did the reports made by the other investigators employed by the committee. The reference to the committee as the "Hanus Committee" is, therefore, perhaps natural. It is, however, wholly incorrect. Several of the most important reports to the committee dealt with non-educational subjects and did not, therefore, come under the supervision of Dr. Hanus. Such, for example, were the reports of Messrs. Armstrong, Baskerville and Winslow on ventilation conditions in classrooms and of Mr. Armstrong on the condition and efficiency of public school buildings. Furthermore, several lengthy reports on purely educational subjects, such as that of Dr. Bachman on promotion, non-promotion and part-time, and of Messrs. Goodnow and Howe on the organization, status and procedure of the department of education were prepared some time after Dr. Hanus had severed his connection with the committee.

ORIGIN OF THE INQUIRY

The inquiry owed its origin to considerations primarily of a financial character, and its direction by the committee was throughout motivated by those considerations.

Shortly after the last administration of New York City took office (January, 1910), it decided, through the sinking fund commission, to collect exact information regarding the very great quantity of unused land owned by the city, with a view toward making some economical disposition of such part of it as was not immediately necessary for the purposes for which it was acquired. Investigation showed that the board of education of the city held a considerable number of parcels of vacant land, some of them purchased several years previously, and of a total cost of acquisition to the city of nearly $4,000,000.

At about the same time the board of education presented to the board of estimate and apportionment a request that the latter body issue, during the year 1911, $14,000,000 worth of bonds to provide for the acquisition of sites and the construction of buildings for new schools. The board of education urged that that amount, and more than half that amount annually for five years, was necessary to relieve the grievous inadequacy of school accommodations over large areas of the city, which made it necessary for about 9 per cent of the elementary school children of the city to attend only part-time sessions.

In view of the great number of unused, and, for immediate purposes, unusable school sites held by the school board, and in view also of the indubitable fact that the appropriations for school construction had for some years been reasonably large, having averaged over $7,000,000 annually for the seven years, 1904–1910, the city administration was disposed to feel that the lack of school accommodations was more largely due to the failure of the school board properly to administer the funds which had been entrusted to it, than to the failure of the fiscal authorities to provide sufficient funds.

Much color was lent to this belief by the publication, late in 1910 by the superintendent of schools, of the fact that though there were 54,000 children in the city on part-time, indicating a shortage, in those sections of the city where such part-time existed, of approximately 27,000 school sittings, yet in the city as a whole the number of school sittings exceeded the number of pupils by 40,000. Making allowance for the excess of sittings under normal conditions, these figures appeared to indicate, along with a shortage of approximately 27,000 seats in certain sections of the city, an excess of approximately 67,000 seats in other sections.

The belief that the condition here indicated had come about not so much through an abnormally rapid movement of population about the city as through the failure of the educational authorities properly to study and provide for the normal and predictable changes in population movement, was further strengthened by the inability of the school board to produce, on request, any adequate data on population growth or movement in support of its $14,000,000 request for new sites and buildings in 1911, as well as by its inability to furnish to the commissioners of the sinking fund the data requested by them with reference to the probable future need for the numerous unused plots held by it.

The dissatisfaction of the fiscal officers of the city with these financial methods was increased a few weeks later upon their receipt of the estimate of funds needed for salaries of teachers during the year 1911. In that document it was estimated that the number of elementary school pupils during 1911 would be greater by 28,000 than the number in 1910. It was contended by the budget committee of the board of estimate that the records maintained by the school officers did not warrant the expectation of so large an increase, and were indeed inadequate for any accurate estimate. Facts developed at public hearings held by the committee strongly indicated that the increase of teaching force due to increase in school population had in past years been regularly over-estimated by the school authorities.

While the correspondence and conference between the school and the fiscal officers had been confined to matters of a statistical and financial character, the discussion evoked in educational circles and among the interested public, as well as some of the opinions expressed at the budget hearings, had touched also upon the educational phases of the questions involved. Several months previously, an investigation made by the Russell Sage Foundation had emphasized the importance of the retardation or non-promotion of children, especially in the lower classes, as a factor in increasing the school population, and hence school congestion, of the city, and had called attention to methods of administration and instruction which were believed to be largely responsible for non-promotion. A similar investigation by the Bureau of Municipal Research produced confirmatory conclusions. The discussion then general as to the proper length of the elementary school course, and the proper time for the beginning of vocational study was also reflected in the hearings on the educational budget held by the budget committee of the board of estimate. That committee after it had decided on the educational budget came to the conclusion that an intelligent consideration of future educational budgets would be greatly assisted by a thorough investigation of all those questions of school administration, whether on the physical or instructional side, which had financial implications. Accordingly, the following resolution was adopted at the meeting of the board of estimate on October 26, 1910:

> Whereas, The budget of the department of education represents approximately one third of the total appropriation of the city of New York for current administration purposes; and
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> Whereas, The appropriation recommended by the budget committee of the board of estimate and apportionment for the year 1911 for the purpose of the department of education represents an allowance of $1,623,555 in excess of the three-mill tax appropriation required by law; and

WHEREAS, in formulating the allowance for the purpose of the department of education the board has been unable to secure sufficient and satisfactory information in explanation of requests for appropriations made by such department to enable it to reach proper conclusions with respect to the necessity and propriety of such requests; and

WHEREAS, It is the sense of the board that efficient and progressive administration of the schools of the city of New York is indispensable to the welfare and progress of the city, and that generous appropriations for the purpose of the department of education are desirable in so far as assurance and evidence can be given that such appropriations will be expended for purposes and in a manner to promote the efficiency and welfare of the schools and to increase the value and effect of the instruction given therein; and

WHEREAS, The growth and development of educational activities and improvement in educational methods actually present to the board, in connection with the preparation of the tax and the corporate stock budgets, many questions bearing upon the efficacy of educational policies and methods now pursued, and upon the efficiency and economy of the administration of the affairs of the department of education; be it

Resolved, That a committee of three members of the board be appointed by the mayor to conduct an inquiry into the organization, equipment and methods, both financial and educational, of the department of education, including such plans and proposals as may have been formulated or may be under consideration by the board of education for extending and developing its educational activities, and that for this purpose the committee be authorized to associate with it such experts within and without the government of the city of New York as may assist it in the conduct of this inquiry and in the formulation of recommendations of this board, and that it be further authorized to employ such assistants as it may find necessary for the purposes of this inquiry; and be it further

Resolved, That for the above purposes herein above mentioned, the board include an appropriation of $50,000 in the appropriation of the board of estimate and apportionment for the year 1911.

The committee appointed by the mayor in pursuance of this resolution was headed by Mr. Mitchel, then president of the board of aldermen, and now mayor of the city, and upon him fell the responsibility for the greater part of the committee work, in its official aspects.

It may be appropriate to mention that simultaneously with its inquiry into school methods the board of estimate also ordered investigations to be made of the administration of the department of charities, and of the alleged irregularities existing in the rates of compensation paid in the several departments, of which subjects also the need for investigation was felt by the administration as a result of its experience with its first budget.

As above indicated, the inquiry was divided into two main branches, the first dealing with financial and administrative matters, and the second with educational matters. The financial and administrative inquiry (which included also an investigation into the condition and efficiency of maintenance of the physical plant and equipment of the department of education) was begun almost immediately, several accountants and engineers being employed.

Work on the educational inquiry was begun in the spring of 1911. Dr. Hanus' work with the committee terminated in the spring of 1913. The final report of the committee to the board of estimate, though dated May 31, 1913, was not submitted till several months after that date. In all, therefore, the inquiry lasted about two and a half years.

The final report of the committee to the board of estimate summarizes and discusses "the main conclusions and constructive suggestions upon which its investigators are in general accord." These are found by the committee to be as follows:

(1) The course of study in all schools should be organized around human problems and made simple and elastic enough to permit of differentiation to meet the needs of different nationalities and groups.

(2) The content of the course of study should be made as practical as possible and special attention should be given to the development of commercial, industrial and vocational subjects emphasizing the larger and more important aspects of industrial and commercial activities.

(3) The board of education should take necessary steps to effect the gradual elimination of teachers of special branches.

(4) Each school as a neighborhood center should ally itself with neighborhood interests and take cognizance of local needs.

(5) The board of education should make a careful investigation to ascertain whether cosmopolitan or composite high schools offering several different courses of study or small high schools with differentiated curricula should be developed.

(6) The board of education, through the proposed bureau of investigation and appraisal or other bureau, should establish a fact basis for its educational, administrative and financial work.

(7) The board of education's attendance department should adjust its work so as to maintain discipline and control school attendance without resorting to police methods in checking truancy.

(8) The educational administrative work of the department should be reorganized.

(9) The board of education should carefully supervise the operation of heating and ventilating systems installed in the different public school buildings.

(10) A comprehensive plan should be worked out for the wider use of school buildings for purposes of recreation for public assemblage and for civic and social gatherings.

(11) The different administrative departments and bureaus of the department should be reorganized.

(12) The accounting system of the board of education should be so adjusted as to make possible the fullest segregation of disbursement accounts along functional lines properly correlated with allied statistics and their publication at least quarterly.

(13) The board of education should provide for the collection and tabulation of all current data needed in order to enable it to know in advance what additional seating capacity is actually required throughout the city.

(14) The permanent census board should be utilized by the board of education and should eventually be transferred to it.

(15) The board of education should be reorganized and its membership reduced from forty-six to eight with sixteen votes as now distributed in the board of estimate and apportionment.

RESULTS OF THE INQUIRY

Whether the inquiry justified its existence and the large amount of money expended upon it (about $100,000 in all) must remain a matter of opinion. Attention may be called, however, to several tangible and indubitable results of the inquiry.

In the first place, the inquiry provoked, as nothing else ever has, and perhaps nothing else could, a widespread public discussion of school conditions and problems in the city. That discussion is still with us and has unquestionably been of high value to the city's educational system.

Next in importance, perhaps, is the education that has been given to the fiscal and educational officials alike in matters of educational budget making and finance, some of which had always been confused and obscure simply because no one had had the time to look into them. There can be no question that the educational budget for 1914 was in several respects more accurate and clear than its predecessors; and there is good reason to believe that the budget for 1915 will be still better. A stronger spirit of co-operation has been the result of this better information and understanding.

Of the definite recommendations of the committee's investigators, in other than budgetary directions, several have already been adopted and several more, doubtless, will be in the near future. The course of study has been and is being revised along the lines suggested by the committee's specialists. The bureau of investigation and appraisal, recommended to be established for the purpose of appraising and evaluating results and methods, and of making educational researches, has been created by the board of education, and the suggested advisory council of teachers is now being organized. The recommendations made regarding the establishment of a greater number of intermediate schools, and regarding the proper form of organization of vocational schools, have already been partly put into effect, resulting in a very large saving. Plans for a more thorough and extensive treatment of the problem of mentally defective children, as urged by the Committee's investigators, are also under way.

The compulsory attendance service has been reorganized and several of the other bureaus of the board of education will doubtless be similarly dealt with. What will perhaps prove to be the most important of all the recommendations made by the investigators is now being much discussed and is more than likely to result in legislative action in the near future—the recommendation that the membership of the board of education be reduced from forty-six to eight.

In discussing the cost of the inquiry, moreover, as compared with its results, it must be remembered that the total cost was less than one fourth of 1 per cent of the amount annually expended for school purposes by the city.

THE COMMITTEE'S RELATIONS WITH ITS EDUCATIONAL INVESTIGATORS

Much public interest was excited, during the progress of the inquiry, by a controversy which arose between the committee on school inquiry and Dr. Ernest C. Moore, of Yale University, concerning the value of a report submitted by him upon the board of education and the local school boards, and by an apparent lack of harmony during the latter part of the inquiry, between the committee and Dr. Hanus. For the proper understanding of these matters a knowledge of the general procedure followed in the conduct of the whole educational inquiry is necessary. That procedure is thus described by the committee itself:

> The inquiry was divided into two branches, the first dealing with educational matters, and the second dealing with financial and administrative matters. Prof. Paul H. Hanus, head of the division of education, Harvard University, was employed to take general charge of the educational aspects of the inquiry. Prof. Hanus nominated his own assistants and his selections were in every case approved by the committee. The committee indicated to Prof. Hanus the main lines of the inquiry, and requested him to outline how his branch of the inquiry should be conducted. The plan finally presented by him including both the committee's suggestions and his own, was finally approved and the investigation was begun. Eleven specialists were employed to co-operate with Prof. Hanus.
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> The various experts were left free to conduct their inquiries in their own way after the general plan had been determined upon. The committee knew nothing of their findings until their reports came in.

Upon receipt from the printer of the galley proofs of the several reports, the committee communicated with several of the specialists suggesting that their reports might be strengthened at certain points by the inclusion of statements of fact upon which were founded opinions or allegations contained in the reports, or by an indication as to the source from which or manner in which such facts had been obtained. As an example of the nature of the questions asked, the following, which were asked of Prof. Calvin O. Davis who submitted a report on the course of study in high schools, may be cited:

> 3. Please indicate why you selected Boston, Chicago, Cincinnati, Cleveland, Detroit, Indianapolis, Newark, Los Angeles, Milwaukee, and St. Louis for comparison with New York City.
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> 4. Would the result be appreciably different if comparison were made with Philadelphia, Pittsburgh, San Francisco, Montclair, Springfield, Buffalo, Portland, St. Paul, Kansas City, and Atlanta? If not, will you please say so specifically in the report?

5. With respect to the comparisons between New York and other cities made by you in point of syllabi, which is the newer standard for syllabus to be found in high schools—that of New York City, or that represented in the other ten cities cited by you?

Simultaneously the committee communicated with Dr. Hanus (who, together with all the specialists associated with him in the educational inquiry, except Dr. Bachman, had by this time completed their field work for the committee and had left the city) informing him of its action and enclosing a copy of the questions sent to the several specialists.

Immediately upon receipt of this communication Dr. Hanus telegraphed to the several specialists requesting them to send the replies to the questions asked them to him, and not to the committee. This request was complied with by all the seven specialists concerned. In his letter to the chairman of the committee acknowledging the receipt of the communication enclosing the questions, however, Dr. Hanus did not inform the committee of the action that he had taken, but merely stated that he would not at that time comment upon the fact that the committee had written to his associates instead of to him. It appears that all of the specialists to whom questions were addressed by the committee (except Dr. Moore, the history of whose report will be discussed later) framed replies and that two of them (Messrs. Elliott and Davis) were willing to make some of the modifications of their reports suggested by the committee.

The letters of the committee setting forth its questions and suggestions had been sent out under date of August 13, 1912, and the answers of three of the seven specialists addressed had been written and presumably received by Dr. Hanus prior to September 15. Dr. Hanus did not, however, transmit these replies to the committee. Instead, in a communication to the several specialists dated September 16, 1912, he requested them to classify the questions asked them by the committee under the following heads: (a) Immaterial; (b) confusing; (c) already answered or covered in the reports; (d) require further investigation which it is impossible to make; (e) worthy of consideration. This request of Dr. Hanus was acceded to by five of the seven specialists to whom the request was addressed. An examination of their communications shows that of a total of 72 questions asked, 15 were classified as immaterial, 16 as confusing, 23 as already answered, 8 as requiring further investigation, and 10 as worthy of consideration.

The replies received by Dr. Hanus from the several specialists were not transmitted by him to the committee until the end of December, and then, as is revealed by an examination of the correspondence between the committee and Dr. Hanus and of the minutes of a conference between them, only after repeated urgency on the part of the committee. The reluctance of Dr. Hanus to surrender these replies to the committee was grounded upon his belief that it was beyond the province of the committee to take any steps toward changing the content of the reports submitted to it by the specialists who had acted under his direction.

This position he stated in several communications to the committee of which the following excerpt gives the substance:

> My chief objection to the course you pursued is that it is an attempted editorial revision of the report which, as specialist in charge, I am making to your committee. Naturally, I object to any editorial revision of the report except my own, including such co-operation of my associates as I need. My revision does not, of course, exclude from consideration such comments of yours as seem to me important. On the contrary, I told you long ago that I would give your suggestions careful consideration. I, therefore, feel that comment on any part of the report should be sent to me. Moreover, any other course is almost sure to result in general confusion and needless delays; especially since the comments and questions you sent were based partly or wholly on unrevised first galley proofs.

In reply, Mr. Mitchel informed Dr. Hanus that:

> We did not retain you to keep the specialists at arm's length from the committee, but rather to facilitate our dealing with them. We did not ask you to make a report to this committee, although we are very glad to receive such a report from you. We retained you to direct and supervise the collection of facts. We have asked the specialists in the letters sent them only for facts for the collection of which we have already paid, and which are indispensable to the support of statements made by them. We did not even ask you to revise the specialists' reports to us. We are glad to have your revision. Only after you had done your revising and had failed to call for facts which we regard as necessary did we write to the specialists asking what we expected they would, in their own interest, as well as in fulfilment of their obligation to the people of New York, be glad to furnish.
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> Due to my illness and to other conditions for which this committee is not responsible, we consented to accept from you galley proof in place of manuscript. Had the specialists' reports been submitted to the committee in manuscript in time for examination, these requests for supporting facts would have been made before the reports went to the printer.
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> We have paid nearly $50,000 for this work. We are in duty bound to get the fullest possible return for this money. You surely could not expect us to accept reports costing $50,000 without reading them, or to pass over omissions of facts, which facts we assume have been collected by the specialists, without giving to those specialists an opportunity to strengthen their reports and the result of the inquiry as a whole.
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> If you will consider this matter calmly and without prejudice I think you will come to the conclusion that the committee, instead of attempting to discredit, weaken, or change your reports and the results of your work, is doing all in its power to strengthen those reports, secure permanence for the results of your work, and obtain for the city full value for its heavy expenditure.

Examination of the correspondence files of the committee has failed to reveal any communication between the committee and Dr. Hanus in which the precise scope of his functions is set forth, and from which alone it might be judged which position was the more tenable.

In any event, however, the specialists concerned agreed with Dr. Hanus' view, and the committee found itself compelled to deal with Dr. Hanus alone. He, however, after receiving the replies of all the specialists to the committee's questions, found none of the suggestions as to content made by the committee to be worthy of utilization in the reports.

The committee, thereupon, decided to print the reports as they had been submitted and to preface each one with the correspondence between the committee, the specialists and Dr. Hanus regarding its suggested revision. This has been done in the complete edition of the committee's reports recently published.

THE REJECTED MOORE REPORT

Among the specialists to whom had been sent under date of June 26, 1912, a set of questions relating to the contents of his report was Ernest C. Moore, then professor of educational administration at Yale University, who had submitted a report, entitled "The Board of Education and Local School Boards." Early in July the committee had received an advance summary of this report prepared by Dr. Moore. Upon reading this summary the committee was of the opinion that certain statements made therein, with reference especially to methods employed by both the board of education and the fiscal authorities of the city in the preparation of the educational budget, were not in accord with the facts. In the letter sent to Dr. Moore by the committee on July 26, the committee therefore requested Dr. Moore to answer certain questions, eighteen in number, in order that it might ascertain "how exhaustive the investigation was upon which the report was based." The nature of these questions is fairly illustrated by the following:

> 4. Did you read the minutes of the board of education budgetary hearings before the budget committee of the board of estimate and apportionment held in October, 1910, and in October, 1911?
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> 5. Did you make a study of the methods of the board of education and of its committees, and of the minutes of the board of estimate and apportionment and its committees to ascertain whether or not it is difficult for the board of education to secure supplementary appropriations such as revenue bonds between budget periods?
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> 12. Did you consult the correspondence between the different members of the budget committee of the board of estimate and apportionment, and the president and other members of the board of education dealing with the budget estimates of the board of education?

Prof. Moore refused, however, to answer this letter, insisting that the committee first read his complete report. Upon such reading, however, the committee, far from being satisfied as to the adequacy of the investigation made by Prof. Moore, or of the existence of facts sufficient to substantiate his allegations, felt that, as stated in the letter by the chairman of the committee to Dr. Hanus, "whole sections are unqualifiedly false to my own knowledge, and that of the other members of the committee; other sections are shown to be wholly untrue by the investigation carried on through other branches of this inquiry, and by the reports submitted to the committee by engineers and other specialists." The committee accordingly addressed another communication to Prof. Moore setting forth, in the order in which they appear in his report, 223 points upon which it felt the report was not clear, or was inaccurate or unsupported by facts or references to authority. A considerable portion of these questions call attention merely to minor defects of form or statement; but the more important of them were directed to general statements of Prof. Moore which the committee deemed should be supported by facts. Such were, for example, the statements of Prof. Moore, that "the many-headed system, made up of the various branches of the city government, in constant struggle with the board of education as to what the law is, or what must or must not be done, is thoroughly incompetent to administer the schools of the leading city of the nation, is all too evident"; that the board of education "has not upheld the educational law, but has allowed other departments of the city government to interpret the law for it and to encroach upon its evident rights and functions almost to the point of eliminating it from the actual control and management of the public school system of the City;" that "in fact, the schools have been almost as completely annexed to the city hall as they would have been if the proposed new charter had become the organic law of the city."

Prof. Moore refused to answer any of these questions, even those that had reference purely to non-contentious points of form or fact. His reply, written immediately upon receipt of the committee's letter, stated that "the quantity and character of the questions which you have asked in such a dust-raising profusion seem to justify the truthfulness of the report. I have not answered them because of their character. They are non-sequiturs for the most part, such as are known to lawyers as irrelevant, immaterial and intended to confuse the issue." He admitted that "mistakes may have been made in transcribing figures or in outlining the many steps in its routine which each department must follow," and he declared that he held himself "ready to re-examine, and, if need be, to correct any specific statements in the report if you will be so good as to point out wherein they seem to you to be in error." Even this, however, he was willing to do only upon condition that the committee answer three questions, largely rhetorical in character, with reference to his status in the inquiry, the connection of which, with the correction of inaccuracies in his report, it is difficult for the impartial observer to discover. Prof. Moore's letter also contained several more or less personal touches which were hardly calculated to improve the relations between himself and the committee. He opened by stating that "my report was not intended to verify your opinions and methods, nor to be verified by them. Instead it was intended to teach you and your colleagues something about the proper way to administer a school system" and he stated that "your conception of the proper way to run a school system and my experience and knowledge gained by running one, are at such variance that it would be futile even to attempt to convert you from your opinions. I do not feel any obligations to attempt so foolish a task, and shall not do so."

This letter the committee states "was of such a character that the committee deemed it needless to dignify it by a reply." Some further correspondence was had, however, with Prof. Hanus, who took the position that Prof. Moore's refusal to answer the questions put to him was justified, as was also his refusal to correct any alleged misstatements until the committee should answer the questions set by him as to his status in the inquiry. As the committee refused to do this, no progress was made toward an adjustment of the difficulty. The committee, however, in a letter to Dr. Hanus dated October 23, 1912, formally requested Prof. Hanus to cause Prof. Moore to turn over to the committee the working papers and records collected by him in the course of his investigation on the ground that they were the property of the city, and had been paid for by it, Prof. Moore, as well as all the other specialists, having been paid for his services from month to month while pursuing his investigation. Subsequently, unless these papers should be turned over to it by a given date, the committee declared that it would consider the report as then in the committee's hands as having been finally and definitely approved, and submitted by the writer. To this demand no response was received from either Prof. Moore or Prof. Hanus. The committee, thereupon, decided that it would not accept the report of Prof. Moore and so reported to the board of estimate on October 31, 1912.

The stand taken by the committee in this action is thus stated in its report:

> When an investigator declines to disclose to the body employing him the sources from which he drew his facts, information, and the character and scope of the work done by him, it destroys the value of his work, if it does not, indeed, arouse the suspicion that he may have something to conceal. . . . Either the writer has wilfully miscolored and misrepresented facts, and has wilfully omitted facts for the purpose of drawing conclusions which he knew would not be supported by real facts if disclosed, or he has drawn money from the city of New York for a specific piece of work which he has neglected to do, and has reported conclusions and generalities without the preparatory work of investigation for which he accepted the city's money.
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> Nothing could hurt the constructive work of this board more grievously,

or could militate more strongly against the constructive results of similar inquiries throughout the country than for this board to permit one of those in its employ to render to it a false and unfounded report without stigmatizing it as such.

In view of the fact that the committee has determined to reject this report as a false, inaccurate and misleading document, it has come to the conclusion that the printing of it at the expense of the city will be a waste of municipal funds.

The committee appended to its report, however, the first galley proof of Dr. Moore's report, and in this form it was accordingly spread upon the records of the board of estimate and printed in the *City Record*.[1] Subsequently, Dr. Moore also printed his report through a private publisher, and appended thereto the 223 questions asked him by the committee, together with his answers to such of them as he did not deem immaterial or already answered in his report. The committee, on the other hand, in its final publication of the several reports, included a number of extracts from some of Dr. Moore's working papers, designed to show that he had incorporated in his report, without change or apparently, verification, extended statements furnished him by officers of the department of education.

To anyone interested in the merits of the controversy, these volumes would seem to furnish all the materials necessary for arriving at a judgment.

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[1] Issue of November 13, 1912, p. 9050.

SHORT ARTICLES

SANE METHODS OF CIVIC EDUCATION[1]

YOU who have undertaken so huge a task as the reformation of municipal citizenship must use tools, and you do well to examine those provided for you.

The sequence of your movement, as I have cursorily observed it, has interested me. First you met to exclaim, "How bad things are!" Then you inquired, "Just how bad are they?" A thorough examination of conditions in a scientific spirit led to a program of reform. Then came a consideration of civic teaching in college and secondary schools, that the leaders of the people might be prepared to make your reforms permanent. And finally, you look to the establishment of civic teaching in the elementary schools, knowing that good leadership is abortive if it does not meet with good response from the common people. And the common people are the product of the common schools.

I stand before you representing that host of women who teach the elementary school children. You must find out how to use us or your efforts will fail. I shall try to speak to you frankly, that you may learn our "teaching point," and, I daresay, you will get thus quite as much by implication and unconscious self-revelation on my part as by intent.

We who must teach these children civic virtue know nothing of the civics which we must teach—that is obvious; we have never been interested to learn it—nor of the child to whom we must teach it. No one knows the child's mind. Your own child, in your own home, inheriting your family traits, is a mystery to you. Each little face hides a mystery from me, which I cannot decipher, and which the child has no language to reveal. So you must take us, with our double ignorance, and teach us how to teach the child how to do his duty to the community—how to be a citizen.

Your difficulties are many.

First, there are the difficulties that you meet in the schools. Your children are taught chiefly by women. Hugo Mümsterberg has endeared himself to the women teachers of America by sneering at the fact that we let the teaching of our children to the lowest bidder. It is true. And I think it is he who has said also, "Your children are instructed by half-educated women," meaning apparently to convey contempt by both terms. It is true. Training for citizenship is in the hands of those who can never be citizens. No such condition has existed since decaying Rome gave over the training of her citizens to Greek slaves.

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[1] Address at the Toronto meeting of the National Municipal League.

I do not know how you can remedy this. It might be remedied were all the women teachers of boys to be replaced by men. But it is bootless to attempt that, as the history of manual training shows. It did seem that there was the golden opportunity for the introduction of men teachers. But no; all over the country our boys are being taught the gentle art of whittling, and even furniture making, by girls. What the anomalous situation will be when agriculture becomes a regular branch of elementary instruction, one shudders to think.

Or the question might be solved by giving women teachers the vote and so thrusting upon them an incentive to concern in civic questions. But the quandary thus created is great. Sir Almroth Wright says that no woman is complete in the mental entirety even of a woman, until she has physiologically functioned as wife and mother, and the board of education in New York says that no woman who has thus functioned shall teach.

As to the men in elementary education, they too constitute an element of weakness. For, however great the native brilliance or goodness of such a man, he is doubly handicapped. In the first place he has lacked that valuable training which comes from competition with one's peers. He has gravitated—or rather levitated—into positions of administrative power, not because of achievement, but because of sex. If among a group of twenty teachers there are two men, they need only do as well as, or nearly as well as, the average to be put into positions superior to all the women. This is hard on the men. And when they are thus placed they are subject to influences that make civic courage hard to come by. It is true that our schools are generally less debauched by politics than is any other branch of city government, yet most superintendents and principals, especially in small places, find that they are safe to come no nearer to efforts at civic reformation than attendance at the regular Wednesday night prayer meeting.

Moreover, all the traditions of the schoolroom are opposed to the methods which are absolutely necessary to the profitable teaching of civics. All over the "enlightened" world, to use the latest geographic slang, teachers carry out the principles of their profession in so cramped a way that the spirit evaporates. "Go from the concrete to the abstract, from the simple to the complex. Create interest by giving play to self-activity." So they teach about dynamic geology by showing a neat hand-specimen of a metamorphic rock, and the evolutionary processes are illustrated by a half-tone engraving of a series of skeletons. When, therefore, a subject, which is but the systematization of social service, and which must be learned by untrammeled action and reaction of life on life, knocks at the schoolroom door, the pedagogue takes fright.

Within the community outside of the schoolroom also there are grave impediments. The zealot who would further a cause is often its worst foe, and conservatism can throw a more bewildering dust to obscure an issue involving the welfare of children than in any other cause. It is the habit of both the zealot and the "throwback" to use the syllogism thus: "Our children are our precious jewels. This measure will hurt our children. This measure should not be carried." Then they spend their strength on proving the major premise, which none disputes, omit any discussion of the minor premise, which is the crux of the question, and cry "Q. E. D." This sort of hysteria is likely to cause school officials to be wary of the most innocent innovation, lest it lead to their destruction. The fact that the newspaper demagogue, who denounces preparation for citizenship through the schools because it takes time from the fundamental three R's, cannot make his subjects and predicates agree does not invalidate his arguments in the minds of his readers.

But the necessity for civic teaching waxes.

In the first place, the evil forces within the civic body have never before been so well organized as now. The ward politician has ceased to be a plain brutal brigand, and has acquired intellectual polish. The cadet in New York is often a lettered person. If it is the province of the secondary school to train young men for leadership, it has fulfilled its purpose frequently to the disadvantage of the led.

Secondly, we have to-day a generally disseminated knowledge of genetics which keeps us conscious that if our young people do not function socially in childhood they will not be able so to function in maturity—that we can only prepare for life by living.

Also, with the foreshortening of both time and space due to modern invention, the unity of the social landscape has become apparent as never before, and the development of civic consciousness has outstripped the ripening of the civic conscience, so that stimulation of new growth is obligatory.

Your task is to propagate this doctrine in the most effective way.

In the community you have the press, you have preaching, and you have books. All these you have used, and do use. A well-organized department, indefatigable in supplying news to the papers, views to the magazines, and books to the publisher, is your costly duty. And to keep on talking so long as you can get reporters to make "copy" of you, and then to take to posters, processions, bombs, or other modern advertising devices, is your business, and will, doubtless, grow to be your pleasure. In assembling yourselves together in congresses and the like, as to-day, you advertise the cause, and you vitalize its espousers.

Within the schools you can propagate interest in the subject by inspiring it in the teachers, and by legislation. If the legislation gets ahead of the interest, your cause is lost. The passing of laws, as has been done all over the United States, commanding the teaching of the injurious effects of alcohol and tobacco, has caused efficient teaching along those lines only where it has empowered teachers who are *interested* in such subjects to teach them. There is a law in New Jersey that self-protection against undue hazard shall be directly taught for thirty minutes in each month. A member of the citizens' committee visiting a school asks the principal, "Have you carried out the law?" "Yes," says he, and adds with a wink at the back of the departing visitor, "I'm sure it took thirty minutes to restore order when Sammy cracked his head against the fence, and I'm sure every pupil heard me tell him he was a heedless fellow and deserved what he got. Wasn't that direct teaching?"

There is nothing so easy to get as freak legislation of this sort, nothing so hard as to get legislative commands carried out by unsympathetic administrators, and nothing so dulling to the moral sense as to know a law and heed it not.

The education of the schools through the community and of the community through the schools by a group of people representing the next phase of civic thought is a process fraught with dangers.

If pressure from outside is put upon a teacher, she is apt to resent it. Teachers are entirely too docile in obeying official commands, but quick to resent coercion from those without authority, particularly in matters of morals, manners, and ethics, which they regard as matters of personal liberty. I do not need to suggest that co-operation with every friendly agency of righteousness is wise.

Above all, do not mistake friend for foe. When I first, as a little girl, "went into history," I wept over the battles as recounted in Goodrich's "Pictorial History of the United States," being moved to tears indiscriminately by Indian massacres of the whites or the sacking of Indian villages. Anon I became so hardened that I bore with equanimity the slaughter of my country's enemies, and shed tears only for American or Union losses. But I never became reconciled to the awful tragedy involved in "Confused by the smoke of battle our men mistook their own forces for the enemy, and the field was covered with the dead shot by their allies." In the battle of social forces this happens continually. Beware of it.

The socialist may not have a program identical with yours, but in this matter of educating the children to a broader comprehension of the term "thy brother" and to habits of ready service of the commonwealth, he is one with you.

Neither is the feminist necessarily seeking to exploit her ego. A late graduate of Smith tells me, "I am wild for something to do. I practise, and sew, and raise plants, and play bridge, and it doesn't use up my energy at all. They put me on the town improvement, but all they do is to meet once in a fortnight and petition the council to remove the garbage. 'What I'd like to do is to get together a gang of girls and remove that garbage my own self." She too wants to serve. Her brother knows how, but she has not yet found the way. The fact is, out of the matrix of the home, twin crystals have developed and the girl is just as ready as the boy to cease being an undifferentiated atom in an amorphous mass called the populace, and to awaken to consciousness as one individual in a collection of related units called the people. Use this emotion and this energy to further your cause. Do not fight it because it does not bear your label.

As to devices:

Get out, through a well-equipped committee, a general program by all means, but I beg of you make it simple. The program published by one of your learned members and reported in your proceedings for 1909 overawed me. When I read it I came near telegraphing that I could not come here to-day. And if it thus abashed a veteran, how, think you, will it affect little Miss Snooks, fresh from the Oswego normal school, note-book in hand, prepared to teach phonics, physical culture, art, literature, language, nature, and sex-hygiene, but as yet uninformed upon laboratory methods in elementary civics? Have mercy on us, and make the general program a skeleton program that we may fill it out when we ourselves are fuller.

Write text-books. It is a good, though not a lucrative occupation. And the more written, the more read. The text-book addressed to the pupil endangers the style of teaching, prone always to degenerate into book work and lip service. The text-book written for teachers' use, the publishers are loth to accept, since there is little profit in it. The text-book which your own society publishes will not be circulated, for you have not the agents to push it.

The general program should guide, and several text-books inspire the local study.

In Newark we have the local study in perhaps as perfected a form as can yet be found. It exemplifies the multiplicative power of one germ. We have in Newark a man. His name is John Cotton Dana. When I was supervisor in the grammar grades of the Newark schools, he suggested to me, "Couldn't you have your children write some compositions about Newark?" So, in making out the course of study, I made one feature of Newark obligatory as a composition subject in each semester—the hospitals of Newark; the schools of Newark; our firemen; a beautiful spot in Newark, and the like. That was the beginning.

Then Mr. Dana got Mr. Urquhart, of the Newark *Sunday Call*, to write three pamphlets upon Newark's history. It took two years to get them, and then the board of education took over the publication and made their study a part of the history course.

My composition subjects had sent teachers to the library for information, so that Mr. Dana—who is the city librarian—had city statutes and condensed information upon certain subjects mimeographed and supplied to the teachers in sets of fifty sheets.

J. Wilmer Kennedy, assistant superintendent of schools, wrote and compiled this book —"A Study of Newark"— for the teachers' use. And these pamphlets, amplifications of the mimeographed sheets, written mostly by the library staff, are supplied by the city in sets of forty or fifty for reading by the pupils, in connection with his book.

And so the local study has been made well nigh complete.

The culminating point it is impossible to reach without referring once more to the pre-eminent importance of having the right sort of teacher. All these devices—formal general program, text-book, local study—will be of no avail if in each class the spirit of citizenship be not found. What the child does in his tiny social sphere, in what spirit he does it, and what fruit of his effort he sees—these are the vital matters.

In the kindergarten class, when the teacher says, "What shall we do for Johnnie who is ill?" and some child says, "Send him our pictures," and the scrap book of the day's work is carried by a representative committee *chosen by the children,* we have our elementary civics in living form. When Mrs. Smith complains that boys from the Dwight school have stolen her pears, and at a mass meeting, presided over by the president of the eighth grade class, the thieves confess, give what they can in restitution, are helped by public spirited neighbors possessing pennies, go out and buy a basket of fruit, and, led by the president, go in a body to say, "We are the sinners, but the school doesn't stand for such doings, and we've come to apologize and ask you to accept this fruit as a proof of our regret," and when, coming back, they report, "She didn't want to take it, but we made her," then you have civic conscience in wholesome action.

The schools are full of just such happenings, unrecorded, their instigators unconscious of their real significance. Whether recognition of them would do good or harm is hard to determine. The modern tendency to evaluations makes us wish to see their sum in symbols.

But we must not be impatient. This is a long road upon which we have entered. You have not planted a bed of pansies whose flowers you may wear in your buttonhole within a few weeks. You are engaged in sylviculture. And it will doubtless be your children's children who will sit under the shade of the trees that you in these years set out.

LOUISE CONNOLLY.[1]

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CIVIC EDUCATION AND THE NATIONAL BUREAU OF EDUCATION

AS a part of its varied activities, the National Municipal League has had for several years a series of committees to investigate the extent and quality of civic education in the schools and colleges. These investigations have revealed an appalling ineffectiveness of most of the training given in this line, an almost universal desire on the part of the schools to do something better and to get help in doing it, with only here and there noteworthy examples of really effective work.

There is need for a kind of training that will cause boys and girls to understand that they are citizens now, and not merely "going to be" citizens some day; that will give them first-hand knowledge of the community in which they actually live and a vital interest in their relations to it, in place of drill in text-book facts; that will cultivate the qualities of citizenship, instead of giving mere information about the mechanics of government.

This year the league's committee on civic education recommended that if the investigations of the past were to be of value, positive efforts must be made to foster this vitalized type of civic training, both through the schools and through other agencies that have a civic educational opportunity.

The council and the executive committee approved the plan, and the chairman of the committee was employed, as its secretary, to give his entire time to the work.

The central feature of the plan of work is to make available to every school, or other agency interested in civic education, the best thought and experience found anywhere. This involves a careful study of the best that is now done in any place, arriving at fundamental principles, formulating such methods as will be most sane and economic, and then propagating them through printed bulletins and by personal visits of the secretary and others.

It was an essential part of the plan to co-operate as fully as possible with school authorities everywhere. With this in view the committee sought the co-operation of the National Bureau of Education. The United States commissioner of education promptly showed his keen interest in the matter by appointing the committee's secretary a collaborator in the bureau, giving him and his assistants an office there and making him the bureau's specialist in this field.

The commissioner of education has issued the following statement regarding the activity of the bureau in this matter:

"With the co-operation of the National Municipal League and other organizations long interested in the problem of education for citizenship, the United States Bureau of Education is undertaking a comprehensive study of the whole problem of civic education. The work will be under the immediate direction of Arthur W. Dunn, now of New York, who made for himself a national reputation some years ago by his work in this subject in the public schools of Indianapolis.

"In this field of activity the government bureau of education hopes to do officially and systematically what has heretofore been attempted by a number of organizations working independently. Many civic associations throughout the United States have been agitating in behalf of education for citizenship; valuable results have been obtained; and many communities have made important experiments in improving citizenship through the schools and through other agencies. The bureau will seek to co-ordinate these hitherto separate efforts; to bring co-operation where independent action has prevailed; to make known everywhere the results of civic education so far accomplished; and to formulate a constructive plan for definite work in this important field.

"One of the most pressing problems in citizenship education is that of properly equipped teachers. There are few teachers that have had the requisite special training. It will be one of the vital tasks in the new work to find out what can be done to train men and women, whether already in the service or just preparing to teach, for the definite responsibilities and possibilities of direct instruction in citizenship.

"Present methods of teaching civics will be carefully investigated. Whether it is sufficient that children should know how the president is elected, or that they should be able to recite the constitution; to what extent modern social and civic questions—clean streets, pure water, milk supply, fire protection, means of transportation, co-operation, suffrage, divorce, etc.—are to be considered: these are the sort of questions to which the new corps of investigators will have to give some attention.

"Special effort will be made to report the many attempts on the part of progressive communities to give all school subjects a more definite civic value. In Kansas City, Kansas, for example, the chemistry course in the high school is in effect a course in practical civics—such things as water and milk analysis, with their significance in community life, are emphasized, and high-school students serve in the municipal laboratories. Cleveland teaches municipal problems in the biology course. Indianapolis has a course in 'community arithmetic' in the elementary schools. Vocational education and school hygiene both have civic phases of immense importance. These and other practical matters in citizenship training will be carefully examined.

"In announcing the bureau's new work Commissioner Claxton points out that in the larger sense all education is really education for citizenship; that not only is citizenship training coextensive with effective education in general, but that 'the final justification of public taxation for public education lies in the training of young people for citizenship.'"

This campaign of the bureau of education in behalf of better training for citizenship is an important result of the committee's preliminary work, which will in the future be continued through its most appropriate channel, the National Bureau of Education.

The secretary of the committee, who should be addressed at the bureau of education in Washington, will be glad to furnish further information and its publications, as they are issued in conjunction with the Bureau of Education, to any who may apply for them.

The importance of this new work should appeal to the interest of every member of the league.

LOCAL SELF-GOVERNMENT AND THE FOURTEENTH AMENDMENT

IN THE governmental activity of our country the most acute problems of democracy are found as outgrowths of the development of the civic life of the cities. Not only are we fast ceasing to be a rural people from the standpoint of population but the cities are attracting our strongest men, and in the cities there is being developed a stronger social consciousness and a higher political idealism. The movement for municipal home rule is a part of this awakening to the greater possibilities of democracy.

There are many obstacles that confront it. As the matter stands today in nearly all of the states the city is a corporation created by the state legislature and subject to the state in every respect. The rural population, therefore, in every state has a voice in the government of the city, even in purely local matters, in which the state at large cannot be practically interested. The remedy for this situation is of course so to amend the state constitutions that the cities will be empowered to govern themselves as to matters of local interest. Then the city could adopt its own constitution, govern itself as it saw fit, make its own experiments, and profit by its own mistakes.

Those who have been striving to obtain home rule for the cities have found their chief obstacles in the form of hostility of the state legislatures and the state courts. This hostility has been due, in the courts, largely to the application of an ultra-conservative political philosophy; and in the legislatures to this and to certain reactionary and sometimes corrupt forces. However, in this paper we wish to direct attention to another obstacle to local self government, one further removed than the state but one far more powerful. It is found in those words of the fourteenth amendment to the constitution of the United States which read: . . .

"nor shall any state deprive any person of life, liberty, or property without due process of laws, nor deny to any person within its jurisdiction the equal protection of the laws."

This provision cannot be used to circumvent the home rule movement except in those instances where all the agencies of the state are favorable to such a movement. Where the state itself obstructs the movement, either through the legislature or the courts, there is no further appeal possible. But where the state is favorable to such action and upholds it in a concrete test in its courts, then it is always possible, having already claimed the protection of the fourteenth amendment, to prosecute appellate proceedings in the supreme court of the United States. This is done by the party aggrieved complaining that he has been deprived of his liberty or his property "without due process of law," or that he has been denied the "equal protection of the laws," or both.

Within the last ten years this kind of litigation under the fourteenth amendment has reached large proportions. If the states themselves were more favorable to city home rule many more cases would reach the national tribunal. Every phase of the civic life of the city has already been thus questioned. This has included among other things, matters of street paving, street franchises, street widening, street opening, water rates, gas rates, telephone rates, street car fares, taxation of corporations, height of buildings, billboard-advertising, disposal of garbage and other such problems. (For the cases in which the state was positively restrained see my paper. Federal Intervention under the Fourteenth Amendment. *Yale Law Journal*, April, 1912.)

In our treatment of this subject at this time we shall use only one illustration, the case of *Eubank v. Richmond*, 226 U. S. 137; reversing 110 Va. 749.

This case is chosen as an example not because of its intrinsic importance. It attracted little or no attention at the time it was decided. It is chosen because it is a clear illustration of the point under discussion. No question is involved save that of the relation of the fourteenth amendment to local self government. Furthermore, the opinion is stated without the complication of citing a long line of precedents, and is unanimous. It is also a recent case, the final decision having been rendered in December, 1912. It has the advantage, therefore, of freshness, representing as it does the present attitude of the supreme court of the United States.

On March 14, 1908, the general assembly of Virginia passed an act giving cities and towns the power, among other things, . . . "in particular districts or along particular streets, to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of lots free from buildings," etc. (Acts 1908, p. 623 f.)

By virtue of this act the city council of Richmond passed the following ordinance: "That whenever the owners of two thirds of the property abutting on any street shall, in writing, request the committee on streets to establish a building line on the side of the square on which their property fronts, the said committee shall establish such line so that the same shall not be less than five feet nor more than thirty-five feet from the street line . . . and no permit for the erection of any building upon such front of the square upon which such building line is so established shall be granted except for the construction of houses within the limits of such line." A fine of not less than twenty-five dollars nor more than five hundred dollars was prescribed for a violation of the ordinance. It will be seen that the discretion for the exact place of the line, within the prescribed limits, rests with the street committee; but the street committee has no power to refuse to fix a line when once the proper petition is filed. The fixing of a line thus becomes mandatory, the exact place only of the line being discretionary.

Eubank, the plaintiff in error in this case, was the owner of a lot thirty-three feet wide on the south side of Grace street, between twenty-eighth and twenty-ninth streets. The majority of buildings on that side of the block were erected on a line fourteen feet from the line of the street but no official building line had been established. In December, 1908, Eubank began to plan and to take practical steps toward erecting a detached brick dwelling on his vacant lot.

On January 9, 1909, the street committee being in session, the owners of two thirds of the property on the side of the square where Eubank's lot was situated, petitioned for the establishment of a building line on the line of the frontage of the majority of the houses, which was, as has been stated, fourteen feet. The petition was granted and the building inspector was notified to fix the line. In the meantime it appears that Eubank had erected or begun to erect his building. He was notified by the inspector that the line had been fixed at fourteen feet from the true line of the street; that a part of his building projected three feet over the line as established and that he would be required to set his building back to conform to that line.

Eubank appealed to the board of public safety, which sustained the building inspector. He was then brought before the police court where, after a hearing he was fined twenty-five dollars. He appealed to the Hustings court—a court of record in the city of Richmond—which sustained the police court. He then appealed to the supreme court of the state of Virginia where the decision of the Hustings court was affirmed. The supreme court of Virginia upheld the statute and the ordinance on the ground that it was a reasonable exercise of the police power of the state to delegate such power to the city councils, and further that such power had not been abused in this instance. To quote from the opinion: "So in the present case, the statute is neither unreasonable nor unusual, and we are justified in concluding that it was passed by the legislature in good faith, and in the interest of the health, safety, comfort, or convenience of the public, and for the benefit of the property owners generally who are affected by its provisions; and that the enactment tends to accomplish all or at least some of these objects." (110 Va. 749.) This decision was rendered March 10, 1910, one year and two months from the time of the commencement of the controversy.

Eubank, nothing daunted, and all the while claiming protection under the "due process" and "equal protection" clauses of the fourteenth amendment, prosecuted his appellate proceedings—by way of writ of error, to the supreme court of Virginia—to the supreme court of the United States. On December 2, 1912, nearly three years after the final decision in Virginia, the supreme court of the United States reached this case and handed down an opinion declaring the ordinance unconstitutional under the fourteenth amendment, thereby reversing the Virginia courts and sustaining the contention of the plantiff in error, Eubank. The decision was based on the ground that such an ordinance was an unreasonable exercise of the police power in that it gave one set of property owners control over the property rights of others. "In other words, part of the property owners fronting on the block determine the extent of the use that others shall make of their lots, and against the restrictions they are impotent. This we emphasize." (226 U. S. 143.) The court then goes on to say that the two-thirds property owners, having full power to fix a building line, might act from purely selfish motives, or from considerations of taste or even capriciously; that in fixing building lines in the various blocks of a street there might grow up a zigzag line of frontage according as the sentiment in the various blocks might differ.

This case is important only as an illustration of a great principle of democracy. It brings up in a concrete way the whole problem of local self government. It even leads one to ask the question whether—as long as the present procedure under the fourteenth amendment lasts—there can be any such thing as local self government in a real sense. If every city ordinance, even every little act of local government exercised by the citizens of a city block, can be brought to Washington to test its validity, have we anything but the shadow of home rule? Are we not in that position where we must look outside of our own particular community to some supervisory power to tell us what we can do and what we cannot do?

The writer does not share the opinion of those who think that this is all quite proper and that what we need is more appeals to the supreme court of the United States and not less. We most emphatically take issue with those who hold that the *summum bonum* in government is a harmony superimposed from above and without. Let us rather take the high ground that good government is no substitute for self government. That each community should be allowed to make its own experiments, and, it may be, its own mistakes. (Cf. my paper, "Contemporary British Criticism of the Fourteenth Amendment." *South Atlantic Quarterly*, July, 1913.) Does not life—in its every field of activity—teach us that only thus can a body grow strong? The community must be free to choose and free to act if it must also be free to grow. We should be willing to trust these local problems to the community in which they arise and to which they belong.

Upon what principle then does the supreme court of the United States operate under the fourteenth amendment? Here we are concerned primarily with the interpretation and the application of the words, "Nor shall any state deprive any person of life, liberty, or property without due process of law." The words "due process of law" are as old as Magna Carta. Around them have grown up a legal literature and there is still much to be said. We shall not attempt here to enter into history of the development of this concept. There was a time—before they were incorporated into the fourteenth amendment—when these words were considered fairly easy of interpretation. "Due process of law" meant done in an orderly manner according to approved and commonly accepted forms by a competent governmental agency. They were literally synonymous with their ancient equivalent "the law of the land."

But now their new setting has given to them another meaning. They create in our constitutional system a problem than which no other is so complex, so elusive, and so impossible of definition or orderly statement. (Cf. my paper "Stare Decisis and the Fourteenth Amendment." *Columbia Law Review*, November, 1912.) The supreme court attempts no definition. The reason is not far to seek. This term—in its setting in the fourteenth amendment as a restraint on local government—has ceased to be a legal concept at all. It has become a political concept. Back of each decision of the supreme court by way of interpretation of this clause is an unexpressed political philosophy. This we shall endeavor to show by a further application of the case we have chosen as an illustration.

The legislature of the state of Virginia passes a law under which the city of Richmond passes an ordinance. The city council of Richmond was a duly organized body acting in response to public opinion in the usual and orderly manner. The citizens of the block acted strictly in accordance with the ordinance. Before any act of enforcement was attempted the law under which the ordinance was enacted had met the approval of both houses of the Virginia assembly and of the governor and the ordinance had received the consideration of the city council, the citizens of the block in Grace street, the street committee, and the building inspector.

After the objection of Eubank ample appeals were allowed. The board of public safety, the police court, the Hustings court and the supreme court of the state each in turn gave the ordinance and the complaint careful consideration and upheld the ordinance as a valid exercise of the police power of the state. In the common acceptation of the terms there was nothing illegal or extra-legal here. From a purely legal point of view there was "due process of law" in every step in the history of this controversy. Virginia—herself older than the federal government by more than a century—had acted according to her custom in passing laws.

This law is now brought to the bar of the supreme court of the United States and there questioned under the fourteenth amendment. That court decides that the law is void in that it is not "due process of law." The reason given as to why it is not according to "due process" furnishes the key to the situation. It violates the "due process" clause in that it is an "unwarrantable exercise of the police power." The court here did what it disavows ever doing. It exercised a political rather than a judicial function. It passed upon the wisdom and the expediency of this legislation. It disagreed with the state of Virginia as to the practicability of this ordinance. It vetoed it, and in so doing decided not a point of law but restrained the state in a matter of governmental policy. (Cf. W. F. Dodd, "Social Legislation and the Courts," *Political Science Quarterly*, March, 1913; Goodnow, "Social Reform and the Constitution," page 247; Henry R. Seager, "Restrictive Labor Legislation," *Political Science Quarterly*, Volume XIX, page 589.)

This new development of our constitutional system shows a tendency toward an unwholesome centralization of federal power. The past two decades has seen the fourteenth amendment take on a marvelous vitality. Litigation under it has steadily increased. It is incumbent on congress to check this abnormal growth while it may.

The writer feels that it will not be amiss to repeat here what he has elsewhere advocated. It is proposed that congress, under article III, section 2, of the constitution, enact a law which will have the following effect, viz:

1. To limit the rights to writs of error to the state courts, under questions of "due process of law" or "equal protection" only to those cases where the state court of final jurisdiction is divided on the question.

2. To prohibit to the federal district courts the power to assume, by virtue of these clauses, jurisdiction of any injunction, *habeas corpus*, or any other high or extraordinary proceeding by way of restraint upon or intervention into the affairs of the states.

3. To provide that no state law or procedure shall be declared unconstitutional by the supreme court of the United States as being repugnant to "due process of law" or "equal protection" except by a unanimous

opinion of that court. (For an elaboration and defence of these proposals see my volume on "The Fourteenth Amendment and the States," pp. 166–182.)

Charles Wallace Collins.[1]

Washington, D. C.

THE UNEARNED INCREMENT TAX

THE scheme worked out by the New York Commission on new sources of city revenue for the taxation of the unearned increment is at once a model of simplicity and applicability to American conditions.

Briefly stated, the proposed plan is to assess and tax annually all increment accruing in the future in the same manner that existing site values are now assessed and taxed. In the imposition of the tax no heed is paid to sale or transfer of title. In real estate assessments in New York, the site value is separated from the improvement value. The commission proposes to make the site value as determined by the Department of Taxes and Assessments for the year 1912 the standard by which to measure all future increment, the assumption being that the valuations fixed by this department fairly reflect the current market values. Taxation of the increment in no wise exempts or relieves a parcel from payment of the ordinary real estate tax, the new tax being an addition thereto, although imposed only on that portion of the site value accumulated after 1912. The tax is at the rate of 1 per cent.

If the assessed value of a parcel, for instance, should rise from $100,000 in 1912, to $110,000 in 1913, the owner would pay a tax of $100 on the $10,000 increment in his assessment in addition to being taxed at the rate of 1.83 per cent, or $2,013, on the value of his site.

Increment arising from improvements, such as grading, sewering, paving, etc., the cost of which has been borne by the owner, are, to the extent of such cost, deducted from the increment assessed. The increment assessed in any particular year is, therefore, the difference between the site value assessment for that year and the site value assessment for the year 1912, after deducting the cost of improvements made during the interim. To illustrate: If the value of a piece of land should rise from $100,000 in 1912, to $110,000 in 1913, and the owner could show that he had spent $4,000 in permanent improvements, either upon his own initiative or in payment of special assessments levied by the municipality, he would be taxed on an increment of only $6,000; and the base value of the land for the future assessment of increment would thenceforth be $104,000 instead of $100,000.

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[1] Member of the Alabama Bar.

Examined from every point of view, the tax recommended by the commission on new sources of city revenue is an infinite improvement over the English or German method of taxing the increment in site values. It differs most radically from the tax in either of these countries. In England and Germany the state in consideration of a lump sum payment parts forever with its right to appropriate these unearned values. Under the suggested plan the state would retain a rent charge in perpetuity on all increment.

As a revenue measure, the proposed tax has a vast advantage over the English or the German tax. As applied in these countries the revenue produced by the tax is almost entirely dependent upon the real estate market, and, therefore, subject to the most violent fluctuations.

In Frankfort-on-Main, for instance, the tax produced $88,491 in 1905; $158,020 in 1906; $73,883 in 1907; and $23,915 in 1908. In Cologne the tax yielded $71,794 in 1906; $96,283 in 1907; and $17,382 in 1908. The revenue derived from the tax has fluctuated just as violently in other cities as in these two.

The tax recommended by the commission would produce a revenue which in its amount would be easily calculable from year to year. Its yield, moreover, in addition to being steady, would increase in amount. The Department of Taxes and Assessments estimates that site values in New York City increase at the rate of 4 per cent per annum. The proposed increment tax would reduce this increase to about 3½ per cent. Assuming this rate of increase to continue, the proposed tax would in thirty-two years yield a revenue equal to a 2 per cent tax on the present assessment of ordinary land values.

The following statement[1] shows the annual assessed valuation of land in New York City in 1906–1913, inclusive, the annual increase and the annual per cent increase in such assessment, and the cumulative amount by which such assessment has been increased since 1906. The statement also shows the estimated amount of such cumulative increases in the assessment after allowing for the depreciation that would have been effected in rising land values by an increment tax of 1 per cent, the amount that would have been lost in real estate taxes on account of such smaller assessments; and the product of such increment tax with and without allowance for the real estate taxes lost because of its imposition. The calculations are on the basis of a prevalent rate of interest of 5 per cent; a tax rate on ordinary land values of 1.83 per cent; and an increment tax rate of 1 per cent.

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[1] This statement, which was prepared by the writer, appeared in the report of the Commission on New Sources of City Revenue. The second statement appears here for the first time.

	ASSESSED VALUATION OF LAND	ANNUAL INCREASE IN ASSESSMENT	PER CENT INCREASE IN ASSESSMENT	CUMULATIVE INCREASE IN ASSESSMENT OF LAND SINCE 1906	CUMULATIVE INCREASE IN ASSESSMENT AS DEPRECIATED ON ACCOUNT OF INCREMENT TAX	AMOUNT LOST IN REAL ESTATE TAXES ON ACCOUNT OF DEPRECIATED ASSESSMENT	AMOUNT OF INCREMENT TAX AT ONE PER CENT	AMOUNT OF NET REVENUE OBTAINED BY AN INCREMENT TAX OF ONE PER CENT
1906	$3,367,233,746	....	.....	....	....	....	....	....
1907	3,558,893,954	$191,660,208	5.8	$191,660,208	$167,310,245	$445,604	$1,673,102	$1,227,498
1908	3,843,165,597	284,271,643	7.9	475,931,851	415,148,728	1,112,331	4,151,487	3,039,156
1909	3,885,727,207	42,561,710	1.1	518,493,561	452,247,715	1,211,804	4,522,747	3,310,943
1910	4,001,129,651	115,402,444	2.9	633,896,005	552,938,661	1,481,519	5,529,386	4,047,867
1911	4,555,925,277	554,795,626	13.3	1,188,691,631	1,036,879,162	2,778,168	10,368,791	7,590,623
1912	4,563,357,514	7,432,237	0.2	1,196,123,868	1,043,362,196	2,795,538	10,433,621	2,638,083
1913	4,590,082,350	27,534,836	0.6	1,223,658,704	1,067,380,447	2,859,882	10,673,804	7,813,922
Total						$12,684,846	$47,352,938	$34,668,092

The following statement shows the cumulative increase in the assessed valuation of land in New York City from 1906 to 1913, inclusive, as depreciated by an annual increment tax estimated at rates varying from 1 to 5 per cent; the amount of the ordinary real estate tax on such depreciated assessments; the amount lost in real estate taxes on account of such depreciation; and the product of such increment with and without allowance for the real estate taxes lost because of its imposition. The calculations are on the basis of a prevalent rate of interest of 5 per cent; and a tax rate on ordinary land values of 1.83 per cent.

PER CENT OF INCREMENT TAX	CUMULATIVE INCREASE IN ASSESSMENT AS DEPRECIATED ON ACCOUNT OF INCREMENT TAX	AMOUNT LOST IN R. E. TAXES ON ACCOUNT OF DEPRECIATED ASSESSMENT	AMOUNT OF INCREMENT TAX	AMOUNT OF NET RETURN OBTAINED FROM INCREMENT TAX
0	$1,223.658,704	....	....	....
1	1,067,380,447	$2,859,882	$10,673,804	$7,813,922
2	946,499,309	5,072,007	18,929,986	13,857,979
3	852,247,090	6,796,823	25,567,412	18,770,589
4	771,707,193	8,270,703	30,868,287	22,597,584
5	706,474,125	9,464,468	35,323,706	25,859,238

The amount of revenue produced by the increment tax would have been larger than is shown in either of these statements, for here it is computed only upon the net increase in the assessed valuation, whereas in operation it would have been levied upon the total increment in land values.

By taxing all increment at a uniform rate, whether the period of its accrual be long or short and whether the per cent of increment be large or small, the tax recommended by the commission meets all the canons of taxation that can be applied to a revenue measure of this character.

Instead of vesting the control of the taxing power in the state, the English and German methods lodge it in the real estate market. Those individuals who prefer an "occasional" to an annual increment assessment, it is true, have not yet ventured to advance the subserviency of the taxing power to the caprices of individual landowners, a result which their proposal would bring about, as an argument in their favor. This in a measure, however, probably explains their partiality to that method,—the landowners who have resigned themselves to some kind of tax on the unearned increment are naturally predisposed to one that would make its payment optional with them. But as a matter of sound financial policy the state cannot afford to be a party to any such treaty. That would soon make the increment tax as unequal, discriminatory and farcical as the present personal property tax.

The nature of a tax on the unearned increment is obscured and lost sight of when it is subject to an "occasional" imposition since the ripening of the unearned increment is not dependent upon any "occasion" whether it be one of sale or one periodically recurrent. The increment must necessarily have fructified before being realized at a sale; the increment certainly does not arise from the sale,—it may have matured a long time before the exchange took place. Deferring the imposition of the tax until there is a transfer in ownership, when the tax may be assessed synchronously with the ripening of the increment, is to that extent a subversion of the principle on which the tax is based. If the community is at all entitled to share in community-created values, it is also entitled to share in them at the time it creates them and not twenty, thirty years, or a lifetime, afterwards as under the English and German methods of taxing the unearned increment.

An "occasional" assessment of the increment, moreover, results in unequal tax contributions on the part of different owners. To illustrate: two adjacent plots of like value but different ownerships may within a year through the completion of a great public improvement have their respective values doubled. One owner sells his property at once; the other waits, let us say, twenty years. Although these two owners will have enjoyed the same amount and per cent of increment within the same period of time, the tax enacted by the state (assuming the tax to be of a flat rate regardless of elapsed time) does not subject each to the same burden. The latter will be able to pay his tax out of the compound interest on the amount of such increment tax, the payment of which he deferred by withholding his property from the market for twenty years and still have a little surplus to spare. If the tax is graduated on a regressive scale according to the time elapsed since the last "occasion" the disproportion in the two tax contributions will, of course, be perpetrated in a greater degree.

Since all unearned increment has its source in the growth and industry of the community, the community has just as much right to a small increment as to a large one, to an increment that has matured over a long period of time as to one that has matured over a short period of time. Graduating the tax rate in an inverse ratio to the accretive period or in a direct ratio to the percentage of the increment is not consonant with this principle. Any deviation from a flat rate tax on all unearned increment is to establish a differential tax rate in favor of the central owners to the prejudice of those on the periphery. Land in the center of a city having more nearly attained its full development than that on the circumference is relatively not subject to as rapid or to as large an increment as that in the suburbs. A tax graduated with much nicety to the accretive period and the per cent increment would reach only the more rare and phenomenal increases in the heart of a city. Increases in the suburban site values, though not any greater in their absolute amount would, on the other hand, generally be taxed at the maximum rates.

No greater weight should be given the individual's ability to pay taxes under the increment tax than under the ordinary real estate tax. If the state were to consider the tax in a subjective manner, it would logically have to proportion the rate not only to the amount and per cent increment but also to the individual's other income and property. The German tax, which is graduated on a progressive scale according to the per cent increment and on a regressive scale according to the time elapsed since the last assessment, is a most inconsistent application of the basic principle that should underly a tax on the unearned increment. Properly speaking, it is not a tax on the unearned increment in site values at all; it is a hybrid tax, a cross between a tax on profits and a tax on income.

The German method of taxing the increment is bad enough; but in some respects, the English is worse. In exempting an increment of 10 per cent, it enables the owners, if they possess a little shrewdness in calculation, to dispose of their real estate at the proper time and thus escape scot free. An unearned increment tax that exempts any *unearned* increment from taxation reduces the community's right to share in the values created by itself to an absurdity.

Some opposition to a tax on the unearned increment has been based on the ground that a change in the general range of prices or a fall in the rate of interest would result in an increased capitalization of site values although the productivity or desirability of land remained stationary or even declined. The validity of this objection depends wholly on the method employed in levying and collecting the tax. In England and Germany the "occasional" imposition of the tax may result in the most unequal and iniquitous taxation, as between owner and owner, on account of changes in the monetary standard or in the general scale of prices, especially during temporary periods of financial or trade disturbances. Some owners cannot fail having their "occasion" at the most inopportune moment, and thereby having a large portion of this pseudo-increment appropriated by the state; others will, undoubtedly, be lucky enough to have their "occasion" when the disturbance has passed and as a result get off scot free. A tax graduated on a scale in proportion to the time elapsed since the last "occasion," as in Germany, only accentuates this evil.

Although an annual tax on the unearned increment would not affect the increase in land values resulting from changes in the monetary standard or in the scale of prices, it would obviate the unequal and iniquitous condition just described. The increase in land values being general and uniform, all owners would be taxed evenly and in proportion to the increased capitalization of their respective holdings. None would be subject to a discriminatory tax. All would, of course, have a so-called increment and be obliged to pay an increment tax, but none would pay a greater amount of taxes in the gross since each would have his ordinary real estate tax reduced by a sum equal to his assessed increment tax. The increased yield of the increment tax would diminish the amount to be raised by general taxation.

A tax on the unearned increment is not to be viewed only as a tax *per se* but also as an expression of a right on the part of the community to share in the values which it itself creates. The more or less equitable distribution of economic rent that is effected through a diffused ownership of site values disappears when their ownership becomes concentrated in the hands of a few. At present only a small per cent of the population in the city of New York receives the benefit of these values.

Of the families residing in the city in 1910, only 11.7 per cent owned, while 88.3 per cent rented, the homes they lived in. Of the families residing in Manhattan, only 2.9 per cent owned the homes in which they lived. In this borough, 97.1 per cent of the families lived in rented homes. Three fifths of the owned homes were mortgaged; hence only 1.2 per cent of the total number of families lived in homes all their own.

In the eighth assembly district of Manhattan, only 93 out of a total of 20,209 families lived in their own homes and 86 of these homes were encumbered by mortgages.

The number of assessed real estate parcels in Manhattan has decreased from 113,526 in 1900, to 95,654 in 1913. During the same period the population increased from 1,850,093 to 2,462,703. While the population increased 33 per cent, the number of assessed real estate parcels decreased 16 per cent.

These facts seem to indicate that it is only a question of time when the ownership and use of land will be completely divorced, when the whole city will, in effect, stand in the relationship of a tenant to an absentee landlord.

New York City. HERBERT S. SWAN.[1]

WATCHING LEGISLATION FOR THE PUBLIC

THROUGH years of continuous effort the Citizens Union of New York has developed a workable plan and an efficient organization for keeping watch on law-making at the state capital of Albany, and for advocating the enactment of desirable measures and opposing the passage of vicious or ill-considered bills.

This work of the union was started in 1903. Public-spirited lawyers, engaged in a successful fight for the establishment of free transfers on the surface transit lines in New York, discovered that laws had been finding their way into the statute books through the expert lobbying of special interests and that the public seldom understood the purpose or effect of these laws until they had gone into operation. Studying the railroad law, they found innumerable special provisions ingeniously devised to meet particular cases, though couched in general language. In fact, the railroad law of the state was then and, because not yet revised, still is, largely a patchwork of such special provisions. The importance of creating an organization that would watch the work of the legislature for the public as closely as it was watched for the railroads by counsel and paid legislative agents was apparent. The Citizens Union undertook to form such an organization. Its committee on legislation was thereupon organized. A lawyer under retainer was sent to the state capital to represent the committee and keep it informed of the progress of legislative events. Out of this beginning has grown the present thorough-going machinery of the legislative work of the Union.

COMMITTEE ON LEGISLATION

The committee on legislation meets weekly in New York while the legislature is in session at Albany and considers annually an average of about six hundred bills relating to, or affecting conditions in, the city of New York. It is divided into sub-committees, to which it refers these bills for detailed examination and from which it receives reports at its weekly meetings.

Each sub-committee is composed of one or more members and is charged with responsibility for examining one class of proposed legislation. Thus there are sub-committees on electoral legislation, civil courts legislation, criminal courts legislation, tenement house legislation, railroad and franchise legislation, and a large sub-committee on charter legislation to which are referred charter amendments and bills affecting the structure of the city government that do not fall within the scope of other sub-committees.

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[1] Investigator for the Commission on New Sources of City Revenue.

MEMBERS BECOME EXPERTS

The personnel of the committee on legislation does not change rapidly from year to year, very few members being added at the beginning of each legislative session, and these selected with the greatest care. Some members have served on the committee since it was first organized and are still serving. The membership usually numbers between fifteen and twenty. Most of the members are lawyers. Those who have been engaged for several years in the examination for the committee of a particular class of legislation have, of course, become expert in that branch. When a lawyer was sought to draft a home rule law,[1] the Municipal Government Association went to the Citizens Union committee to secure the expert. The consolidated election law was edited by two members of the committee; the direct primary bill introduced in the 1913 legislature on behalf of the Progressive party was drafted by another member; and the Massachusetts ballot law enacted in December, 1913, was largely the work of the Union's sub-committee on electoral legislation. These men were selected for this work because of their expert ability. The most valuable criticisms of proposed franchise legislation have frequently come from the committee on legislation. The committee is responsible for numerous safeguarding provisions of the present rapid transit act and for the debt limit law under which rapid transit bonds have been excluded in computing the constitutional limitation upon the city's borrowing capacity.

The work of the committee on legislation consists not only in criticising bills, but also in devising and drafting needed legislation. Its criticisms are frequently constructive. It not only points out the dangerous or undesirable features of bills, but also assists in preparing corrective amendments. Members of the committee are often called into conference with legislative leaders and with representatives of groups seeking legislation on particular subjects.

FUNCTIONS OF LEGISLATIVE BUREAU—PUBLICITY

To make the action of the committee effective, the Union maintains a well-equipped bureau in Albany during each session. This legislative bureau is in charge of the secretary of the committee on legislation, assisted by a staff of legislative experts, clerks and stenographers. The activities of the bureau are more extensive (in respect of the quantity of legislation in which it displays interest) and oftentimes more effective than those of any of the corporation lobbies. The agents of the Citizens Union have acquired expert knowledge of the many tricks and devices by which legislation may be advanced or retarded. Such knowledge is essential in order that the significance of each move may be fully understood. But also, the influence of the Union upon legislation is equally due to its facilities for securing publicity. The newspapers and their representatives are for the most part free from influence that might prevent their publishing accurate accounts of legislative events, and the results of Citizens Union investigations receive wide publication in the daily press.

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[1] Chapter 247, Laws of 1913.

The importance of quick, accurate and complete publicity, cannot be over-estimated. The "sneak bill," as the phrase implies, is always "slipped through" the legislature with the greatest secrecy, "the ways" having been "greased" by the lobby agent of a special interest. If before the bill reaches final passage its purpose and the particular situations to which its provisions apply, and their effect, become publicly known, it is no longer possible to pass it secretly. Public interest and attention are easily attracted to such a bill once it has been publicly exposed; and legislators hesitate to put themselves on record in favor of any vicious measure in the face of publicity in their home districts. Nothing better can be hoped for from a legislature of elected representatives than legislation truly representing the best sentiment of the community; and no important reforms can be fully realized till they have the support of public sentiment. So, in building up an organization for the purpose of influencing legislation, the Union rightly puts its emphasis on the securing of the quickest and widest accurate publicity for all legislative proposals and the action of legislators thereon.

PROVISIONS OF BILLS SUMMARIZED

In order to provide this the bureau some years ago began to prepare summaries of all bills introduced. These summaries tell clearly, and as briefly as clearness permits, what changes each bill would make in existing law. The summary of each bill is prepared on the day of its introduction from the manuscript copy presented to the legislature and is manifolded in mimeograph copies so as to be available for use by all the newspaper correspondents as soon after the introduction of the bill as possible. Many of the summaries are ready for such use within an hour after the bills are introduced. These summaries contain no expressions of opinion regarding the merits of the bills, but merely a plain statement of their provisions. Great care is exercised to employ accurate language. The legislative correspondents have gained such confidence in the accuracy of the summaries that they rely upon them and use them freely in reports to their newspapers. The summaries are also delivered to some public officials, including the governor's counsel, who find them helpful; and the state library places them in substantial bindings for preservation on its shelves, because no other reports—official or unofficial—contain the same information in an equally convenient form.

The bureau, under direction of the committee, issues public statements and keeps up a running fire of constructive criticism of the work of the legislature. It prepares and publishes analyses of the bills affecting the city of New York. It contends for home rule, sound policies of government, and the protection of the city's interests at every point. Memoranda are filed with legislative committees, with the mayor in case of special city bills, and with the governor, and representatives of the Union appear at hearings upon bills and public questions.[2]

"TICKLERS" ON PROGRESS OF BILLS

Close watch must be kept upon the progress of each bill, and, because of the great number of measures, this can only be done with the aid of "tickler" card systems and "tickler" memorandum sheets prepared daily from the manuscript journals of the two houses. It not infrequently happens that on a single legislative day the New York legislature acts upon scores of bills affecting New York City, and no human being is capable of keeping constantly in mind the status of the hundreds of bills in which the Citizens Union is interested. Therefore, since there may be an occasion during the progress of a bill toward final passage when the objection of a single legislator will greatly delay its advancement or perhaps even bring about its defeat, the advantage of the "tickler" system which enables the Citizens Union representative to see that objection is made to a bad bill at precisely the right moment, is apparent.

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[2] Note.—Summaries are made of the provisions of all bills, whether they particularly affect the city of New York and are of special interest to the Union or not; and copies are mailed daily, not only to members of the committee on legislation, but also to a number of civic organizations throughout the state. The preparation of the summaries and certain other branches of the work that consist solely in furnishing information without criticism of proposed legislation, are being performed this year by the Voters Legislative Association, formed several years ago largely through the instrumentality of the Citizens Union and with the aid of some other civic bodies and citizens to extend the benefits of the legislative information bureau so that it may be used by organizations in all parts of the state. Since the scope of the work of the Union is limited to New York City, it is clear that the function of furnishing information to civic workers in all cities of the state belongs more properly to a state-wide organization, and one which has no opinions to express regarding any pending legislation. The Union makes the main contribution toward the expense of the Voters Legislative Association and is the heaviest user of its information service. This service is in charge of men who received their training in the Citizens Union Bureau. The association has heretofore been enabled by private contributions and the use of facilities of the legislative bureau placed freely at its disposal, to keep a number of civic organizations in different cities informed regarding the progress of legislation, as well as to publish bulletins for the information of its members, and annual reports chronicling the principal events of the legislative sessions and the votes of each senator and assemblyman in important issues.
J. O. H.

WASTE OF ENERGY AVOIDED

In addition to making as effective as possible the action of the committee on legislation regarding pending bills, the legislative bureau makes up the calendar of bills to be considered by the committee, and facilitates its work in other ways. The most pressing business before the committee is placed upon a "submitted calendar," a copy of which is sent to each member before each meeting. If the calendar of the committee on legislation becomes congested, the secretary puts at the head of the "submitted calendar" of each meeting those bills whose passage by the legislature is most imminent. It always happens that at the close of the legislative session there are bills on the calendar of the committee upon which neither the committee nor the legislature has taken any action. The close watch kept upon the progress of events at the capital enables the committee to center its criticism upon those bills that have a chance of passage, devoting time to the critical examination of other bills only when it has disposed of those that are most imminent.

The bureau keeps files of sub-committee reports, briefs and memoranda prepared each year, and makes this storehouse of information available for the committee in subsequent years. The same bill is frequently introduced in a number of successive sessions of the legislature, and every time such a bill comes before the committee on legislation, it can refer to the files of the bureau for what information regarding it was gathered in previous years.

The work of the sub-committees, also, is facilitated by the bureau. Each member of each sub-committee receives from the bureau a copy of every bill referred to that sub-committee. This makes it possible for much of the work of the sub-committees to be performed without actual meetings. The chairman receives from the secretary in charge of the bureau at Albany a mail envelope containing a number of bills that have been placed on the calendar of the committee on legislation and referred to his sub-committee for examination and report. He divides the work among members of his sub-committee, and telephones to them their respective assignments. The work of detailed examination of a legislative bill is usually better performed, in fact, by a single lawyer or legislative expert, than by a group working together. If the bill is specially important, two or more members of the sub-committee are called upon to examine it separately.

REPORTS ON WORK OF LEGISLATORS

After the close of the legislative session, the committee on legislation makes a final report which is printed for distribution. This report contains (1) the most complete chronicle of and commentary upon legislation affecting the city of New York that is anywhere obtainable, and (2) a thorough-going non-partisan analysis of the work of each legislator representing a New York City constituency, with a statement of the committee's conclusions regarding the merits of his service. The comments on individual legislators are brief though specific and are usually published in full in a number of metropolitan daily newspapers. Here are some examples:

Active and influential member of majority. Voted to sustain Stilwell charges. Otherwise made poor record of votes. Introduced reactionary primary legislation for machine. Fathered bad railroad consolidation bill.

Voted to whitewash Stilwell and lauded him in speech as a "faithful legislator." Voted against bad police bill and for thorough-going direct primary bill; in other respects made bad record.

Voted to sustain Stilwell charges and made, on the whole, good record of votes except that he followed machine on direct primaries. Record greatly improved over previous years.

Spoke and voted to whitewash Stilwell. On other issues, also, made bad record of votes. Introduced Massachusetts Ballot Bill but made no appreciable effort to secure its passage, and followed machine on direct primaries.

Voted to sustain Stilwell charges, and rendered valuable service in advocating condemnation reform. Made, on the whole, a fair record, although he followed machine on direct primaries.

As in previous years, made himself a nuisance by verbosity in debate, while seldom contributing anything to consideration of bills. Introduced attacks upon merit system in civil service. Thoroughly bad record of votes.

New member. Frequently unrecorded on important roll calls and voted with machine on most other occasions, although on two votes on electoral bills he showed independence. Two of his four bills violated home rule.

New member. Nearly all his proposed legislation thoroughly objectionable. One of the two New York City members to vote against desirable bill to protect city water supply from pollution. Frequently unrecorded on important roll calls, and on other occasions followed machine in his votes.

In seventh term showed no promise of usefulness. Introduced bad legislation affecting uniformed force of Fire Department. Unrecorded on five important roll calls on primary and election bills and on other roll calls followed machine.

New member. Frequently unrecorded, including six important roll calls on primary and election bills. His view of his legislative functions indicated by his attempt to regulate by mandatory state law the color of uniforms in street cleaning department.

Tables of the votes of New York City representatives on important issues, and other information upon which the conclusions of the committee are based, appear in the printed report.

Before the report is published, each legislator is invited to call at the Citizens Union office, examine the comments upon his record, and offer any objections, criticisms or additional information that he thinks should be considered. The committee then holds a special meeting to consider these criticisms upon its criticisms and makes any changes in the tentative draft of its report that seem to it to be justified. The committee's comments on the work of legislators are given considerable weight by thoughtful voters and have an influence upon elections.

Joseph O. Hammitt.

IS UNEMPLOYMENT A MUNICIPAL PROBLEM?

AT LEAST nine American cities have answered this question in the affirmative by establishing municipal employment agencies. Nineteen states have established state agencies, but in every successful one, the state law empowers the city to establish and operate such agencies.

The rise of the city as a self-governing unit, the growth of the home rule idea, the establishment of public welfare departments in place of the antiquated "charities" still maintained by states, the fact that the city is so largely the source of progressive activities in government and civic organizations, these and many other facts bring to mind certain broad questions which it is pertinent to raise as municipal issues.

There are two broad classifications of unemployed—the employable and the unemployable. At the present time these are greatly confused because we insist upon treating the former as a relief matter, which can never be solved by relief measures, and the latter as an industrial problem which lowers the whole standard of business efficiency. The first need of American government is, therefore, some agency for classification of these groups, a task now handled very inadequately by volunteer organizations.

I am here primarily concerned with the normal amount of unemployment of employable people, due to seasonal occupations, casual labor, changing from one occupation to another, entrance of fresh workers into industry and the distribution of immigrants to industries. Unquestionably the centers of this exchange of labor are the great cities. These cities are of two kinds—those which attract numbers of workers because of large industries, and in which trade schools and special schools flourish, as Milwaukee, Detroit, Syracuse, Newark, etc. The second include what may be termed reserve cities where the unemployed concentrate, awaiting distribution to new lines of employment—as New York, Chicago, Kansas City and Seattle. The question of whether cities should bear the burden of the second type of unemployment is entirely pertinent.

We cannot be said to have any governmental system—indeed, any governmental intelligence in dealing with the matter of unemployment. Of the nineteen states which have established state labor exchanges, only about four are even comparatively successful. This is due to several causes, inadequate appropriations, failure to regulate private competitive agencies at the time of establishing free agencies, failure to make the state agency the clearing house for all employment exchanges, introduction of politics, objections of trade organizations, fear of their use for strike-breaking agencies, establishment of central offices of administration remotely from labor centers, and failure to establish any co-ordination or proper and prompt exchange of information as between existing agencies. State labor exchanges except where they are properly co-ordinated into a system, as in Wisconsin, stand to-day as a negligible factor in the labor market.

Unemployment is not a municipal problem. It is essentially an industrial problem to be solved by industrial methods. But the fact that industries locate in cities and cities are the reserve centers of labor and distributing points places the city in a curious position. New York City is the distributing point for unskilled labor for the entire country east of the Mississippi, Chicago for the middle west, St. Paul and Minneapolis for the northwest. Richmond is the distributing point for negroes coming north, Memphis for negroes going to central and northwestern points; and New Orleans for the southwest, while San Francsico and Seattle distribute from the western coast. New York City is the main center for theatrical agencies, practically making contracts for the whole country. Four fifths of the unskilled labor handled by New York City agencies is sent out of the city.

The success of any municipal agency must depend upon its efficiency and ability to control the labor market. This will depend to a considerable extent upon the reduction of the number of competing agencies, the protection afforded the unemployed and the ultimate elimination of the *pardroni* among immigrant workmen. Here enters the question. "Shall these agencies be regulated by municipal, state or federal laws?" If by municipal laws, the restrictions are, without doubt, hampering. Where such large numbers of unemployed are sent out of the city the exploitation, the misrepresentation, the fraud are consummated beyond the jurisdiction of the city, the witnesses are distant from the place where the agent must be prosecuted, city funds may not be used for city officers to travel beyond city limits, and there is no authority to investigate nor power to prosecute by a city officer beyond these lines.

We, therefore, have the questions: "Shall the state establish agencies in cities, retaining control of their administration and establishing communication between them, and licensing and regulating all agencies within the state or shall this be a municipal or federal function? In states like Illinois, Massachusetts, New York, New Jersey and Pennsylvania, the question of distributing the unemployed becomes immediately inter-state because there the cities are immigrant ports and reserve centers for labor. The interest in the subject and the great danger of duplicating machinery and of further decentralization and disorganization of the labor market, which is now a disgrace to the country, make it necessary that the matter be given careful thought. In Cleveland, the city established a municipal agency when the state had already provided a state agency and similar complications might have arisen in Kansas City. Chicago has a state agency and an unemployment commission.

First it is essential to determine the type of agency to be established. The prevailing form is where the government assumes responsibility for sending men who will fit the job. I believe that the government agency should be a meeting place for employers and employees and that it should be a center for the fullest clearance of information but that the terms of the contract and responsibility, therefore, should rest entirely between the employer and employee. We need the elimination of the middleman, not his extension in the guise of a government official. Second, every private agency should use the government agency as a clearing house—by law if necessary. Some of them are so crooked in their dealings that they would not stand such co-operation, but they have no place in a well-organized labor market. Third, advisory committees of citizens, including employers, employees and reputable agents, should serve in connection with such clearing houses, broadening its vision, improving its methods and keeping it out of politics. Fourth, it should be a center of information for gathering statistics, making studies and furnishing publications which would give this country literature on this subject which it does not now possess.

I believe we shall eventually adopt a combined municipal-federal system, with a considerable elimination of the state as a factor. This is due partly to the exigencies of the case. Municipalities are being taken out of politics, the non-partisan movement is being nurtured in our cities and has made little headway in the states. The adoption by cities of the commission form of government, of city managers, and of efficiency methods, naturally makes one turn to them as the best solvers of the problem, combined with the fact that the unemployed center in them. In the five great cities there are more labor exchanges of all kinds than in all of the other states combined.

Cleveland seems to be heading toward an ideal local solution by combining a vocational guidance bureau, an employment bureau and a city immigration bureau in one division. The first guides the child into the right channels when he is ready for work; the second takes charge of the general problem, and the third has the newly arrived immigrant met on his arrival and safeguarded to his destination.

I do not believe any city will efficiently organize its local labor market which does not first possess complete information for the city in the following respects:

(1) Number, adequacy, location, methods, facilities of (1) private employment exchanges; (2) free employment centers; (3) civic, religious and racial agencies; (4) relief societies; (5) governmental agencies; (6) trade and labor agencies.

(2) Extent, operation and effectiveness of regulation of present exchanges.

(3) Means of obtaining employment statistics and of diffusing accurate information.

(4) Facilities for special classes, as children leaving school, handicapped, and methods of controlling mendicants.

(5) Advertising; extent, kind, effectiveness, cost, waste, and co-ordination with a system of distribution of unemployment.

(6) Special schools, combining training with positions.

(7) Vocational guidance, with especial reference to methods of placing children.

(8) Advertising methods and organizations which combine training with positions.

I do not believe a city whose labor market is organized on the basis of the preceding information will control the situation successfully in times of stress unless it possesses information along the following lines and has its mind made up and can put its mind into operation, even long before unemployment reaches the maximum period of stress:

(1) Creation of municipal work; advisability of opening factories; furnishing supplies at cost; operation of woodyards and laundries; increasing work in city institutions and departments.

(2) Relief resources; capacity for expansion on administrative and executive sides, as suspension of regulations, ways of finding people, etc.

(3) Means of reaching immediate results of unemployment; evictions; school attendance; congestion; reduction of efficiency; demoralization through searching for work; relation to health and morality.

I do not believe a city will find a permanent solution of unemployment and will so prevent its seasonal recurrence until it has taken up the following matters and made them the subject of investigation, hearings, conferences and meetings for the purpose of regularizing employment:

(1) Study of seasonal industries and of the application of efficiency methods.

(2) Possible dovetailing of industries, with the burden on the industry.

(3) Study of casual labor and means of prevention—preference tests, scientific planning.

(4) Municipal and state employees—civil service organization, use of reserve lists and decasualization of city department labor.

I have tried to make it clear that however adequately a city may classify its unemployed, referring the unemployable to relief organizations, however efficiently it may cover its local problem, and that would be a great advance, the cities are after all the heart of the nation in the unemployment matter, and it is to-day a national and not a city matter, and action by cities will serve year by year to clear the issues and show the necessity for federal action.

Therefore, I believe that we stand in imperative need to-day of a federal bureau of distribution which shall combine three functions: the establishment of labor exchanges in the reserve labor cities, with full powers for investigation and distribution, which shall also be an information center for the whole country; the establishment of a transportation fund, to be safeguarded in its administration; the regulation of all labor exchanges doing an inter-state business; and third the opening of lands for settlers, to be distributed by the government and the investigation of all land and colonization schemes offered to colonists and settlers.

Without such a system, the municipality will find much of its effort futile and wasteful, for its problem being part of the nation can only be solved by the nation.

New York City. FRANCES A. KELLOR.[1]

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[1] Managing Director, Legislative Committee, North American Civic League for Immigrants.

EDITORIAL

FOR the first time *The Editor* of the NATIONAL MUNICIPAL REVIEW is called upon to announce the death of one of his associates on the Advisory Editorial Board—that of Charles Dwight Willard, who passed away at his Pasadena home, on January 22, 1914, at the age of 54. Mr. Willard had been an active and intelligent member of the National Municipal League for many years, serving on its council and its executive and other committees. At all times he was a helpful and thoughtful adviser. In response to a request from *The California Outlook*, the Editor said:

"Willard's death takes from us one who has been an integral part of the great municipal movement of the past twenty years. His loss will be mourned not only because of its personal bearings, but because of the substantial pioneer and constructive work which with his frail physical strength he was able to accomplish. He was a man of singularly clear perception of public duty and of opportunities for effective advance. He was a good counsellor, a devoted friend and a sagacious leader. My heart prompts me to speak of his brave struggle for life and of what he was able to accomplish in the face of a situation that would appall the average man. Naturally I shall always think of him as a brave fighter and as a helpful coadjutor in the work of the redemption of American cities. May he rest in peace and may the fine example which he set continue to inspire ever larger groups of new citizens."

Twice secretary of the Los Angeles Municipal League, the last time taking up the work after E. O. Edgerton had been appointed a member of the State Utilities Commission, for months Willard directed his municipal work from his bedside as well as kept up his literary work. He was the author of a history of Los Angeles and of a popular text-book, entitled "City Government for Young People." For five years he was a contributing editor to *The California Outlook.*

It is with regret that the Editor announces the retirement of two of his associates, Professor Charles A. Beard of Columbia University, and Mr. John A. Lapp, legislative librarian at Indianapolis. Both have been helpful coadjutors. Dr. Beard, not only in his successful editing of the department of Notes and Events, but as a constant adviser has been a source of strength to the Editor in the formative period of the NATIONAL MUNICIPAL REVIEW'S existence. Mr. Lapp by his industry has been of help in gathering interesting and important information concerning legislation relating to cities. Both men retire because of the pressure of other obligations which cannot be shifted.

The Editor takes this opportunity of expressing his sincere appreciation of their co-operation.

Professor Beard will be succeeded by Professor Howard L. McBain, formerly of the University of Wisconsin, now of Columbia University, where he is giving graduate courses in municipal government. Mr. Lapp will be succeeded by Dr. Herman G. James in charge of the Bureau of Municipal Research and Reference of the University of Texas (in which institution he is adjunct professor of government), and secretary of the League of Texas Municipalities.

Professors McBain and James bring to their work on the NATIONAL MUNICIPAL REVIEW a deep interest in municipal questions and a sincere belief in the usefulness of the National Municipal League and the NATIONAL MUNICIPAL REVIEW as important factors in aiding in the solution of difficult problems and the raising of the standards of municipal life.

Professor Beard and Mr. Lapp will continue as members of the Advisory Editorial Board.

NOTES AND EVENTS

PROFESSOR HOWARD LEE MCBAIN, *Columbia University, New York*
Associate Editor in Charge

ASSISTED BY

DR. CLYDE LYNDON KING, *University of Pennsylvania, Philadelphia*
PROFESSOR MURRAY GROSS, *West Philadelphia High School, Philadelphia*

I. GOVERNMENT AND ADMINISTRATION

CHARTER REVISIONS

Commission Government.—*In New Jersey.* It is a compliment to the commission plan, when an effort is made by a leading citizen to have it made mandatory in all the municipalities in a state. Such is the purpose of a bill introduced in the legislature in January. One suspects, however, that Judge Carey's (its author's) heart has run away with his head, for, although government under the Walsh act now in operation in over twenty cities, has apparently produced a vast improvement over the old cities, nevertheless in most communities it has left a good deal to be desired.

Some of the New Jersey towns, including Madison and Montclair, are in fact more interested in the city manager plan than in the old type. In both of the towns mentioned, a group of New York commuters, with a New York business man's appreciation of business principles, have begun to discuss the idea.

A bill has been introduced in the New Jersey assembly, by Assemblyman Joseph B. Bloom of Newark, somewhat similar to the one enacted in Ohio last year, which provided that cities might adopt one of three forms of simplified government—the federal plan, the commission form and the city manager plan. The purpose of this bill is to block the attempts which are being made in Newark to secure the adoption of the Walsh act.

New York Cities. The Municipal Government Association of New York State is planning to press once more its optional city government bill, empowering any second or third class city to adopt one of six simplified forms of government, including the commission, the city manager and the federal plans. It seems not unlikely that it will meet with success this year, on account of the radical change of complexion of the legislature. Possibly the committee on cities will report this bill for passage as a means of escape from the demands for special charters, of which there is a considerable number. No less than six cities and villages are out for the city manager plan, including Elmira, Dunkirk, Olean, White Plains and Lockport. In addition to these, it is probable that charters will go up for consideration from the cities of Troy and the villages of Saratoga Springs and Batavia.

The Greater New York Charter. The recent victory of the fusion forces has brought again to the fore the matter of charter revision which has so often but so unsuccessfully been attempted within recent years. The leading spirit in this movement is President George McAneny of the board of aldermen and one of the vice-presidents of the National Municipal League. In an address before the Merchants Association, Mr. McAneny declared that the city would not go to the legislature with a finished charter for adoption for perhaps a full year. The plan of the present administration is to watch carefully in the coming months the workings of various departments, with a view to determining by close observation of actual experience what are the most necessary and desirable changes to be made. At a recent meeting of the board of estimate and apportionment a resolution was adopted, providing for the establishment of a charter commission consisting of the mayor, president of the board of aldermen, comptroller, city chamberlain, three representatives of the board of aldermen, and seven members to be chosen from the city at large.

This future plan has not prevented the city administration from introducing in the legislature bills affecting the powers of the police commissioner, and bills reorganizing the office of commissioner of accounts. The police bills are treated elsewhere in this issue. The one relating to the commissioners of accounts, provides for the establishment of a department under a single head who would be known as the commissioner of administration. This commissioner would appoint two deputies; one presumably a lawyer, whose duties would be to prepare cases for prosecution by the corporation counsel; and the other, a public accountant. The purpose of the reorganization, among other things, is to secure a more systematic and regular investigation of the departments than has been the case heretofore. It is also proposed to add to the dignity of the office by increasing the salary of the commissioner.

The Buffalo Charter. For the fourth time in as many years, an imposing array of citizen-delegations from Buffalo, besought the committees on cities at Albany to please give them a commission government charter. Four years ago it was almost impossible to secure a Buffalo member to introduce the measure. But the light has dawned and the legislature has passed the charter by a large majority in both houses. It now awaits the approval of the mayor.

To Abolish Coroners. The New York Short Ballot Organization has introduced into the legislature a bill to abolish the office of coroner after January 1, 1918. The legal functions now performed by the coroners as the presiding officers of the coroners' court, would be turned over to the city magistrates. The incidental functions which the coroner performs in certain civil proceedings, to which the sheriff is a party, would be developed upon the city chamberlain. The function of investigation into the causes of violent and sudden death would be placed in the hands of a chief medical examiner, who would have the power to appoint a deputy chief medical examiner and as many assistants as might be required. There are at present in New York City eleven coroners, all elective officers. Their work is decentralized and most of it is of little value, though the expense of conducting the offices amounts to about $170,000 a year. As in many other places, it has come to be something of a joke, and for a long time has not attracted men of high qualifications. It is the belief of the committee which framed this legislation, that the proposed reorganization will greatly enhance the value of the investigations into the cause of violent deaths to private litigants, to the city, to insurance companies, to the medical profession and to statisticians. If the bills are enacted into law, the reorganization on the medical side will go into effect on January 1, 1915.

The Detroit Charter. On February 10 Detroit voted adversely on the proposed charter submitted to it by the local charter commission. The document was partly progressive and partly otherwise. The commission, when making provisions for elections, recognized the non-partisan principle and went so far as to provide for preferential voting. It also provided for the recall of elective officers on a 25 per cent basis and for the exercise of the initiative and referendum on a 5 per cent petition. The number of aldermen was reduced from two to one from each ward. The provisions for municipal ownership, and the civil service amendments formerly adopted were retained. The health functions formerly controlled by the state were assigned to the city.

The charter was to be criticised in at least one very vital respect: it did not recognize what many modern students of municipal government concede, the need for unification of powers of government in the hands of a single controlling body. On the contrary, provision was made for a separately elected mayor, city clerk, treasurer, aldermen, constable, three registers of election and three election inspectors from each election district, two justices of the peace and two police justices. The departmental organization was elaborate in the extreme, the financial functions being especially decentralized, in that they are distributed among the departments of (1) finance and accounts, (2) assessment, (3) tax collection. At the head of each of the departments, respectively, was to have been an elected treasurer, a controller, and three assessors appointed by the mayor.

There were separate departments of law, record, assessment, tax collection, finance and accounts, police, fire protection, public safety, correction, public works, parks and boulevards, city plan and improvement, street railways, water supply, public lighting, health, poor relief, recreation, labor welfare and arts. Most of these were headed by a single commissioner, but the fire department was to be managed by a board of four commissioners, the correction department by a board of four inspectors and the department of city plan and improvement by a commission of nine members.

Fully one half of the charter was devoted to a detailed description of the administrative procedure in the various departments, a matter which, under a modern conception of municipal legislation, is tending more and more to be placed in an administrative code, where it can be altered without the cumbersome process of charter amendment.

The St. Louis Charter. A statement issued by the secretary of the board of charter freeholders on February 7 outlined the probable features of the St. Louis charter to be submitted to the people. The board has gone on record, among other things, in favor of the broadest possible corporate powers. It is proposed that the city shall have the right to acquire all public utilities, whenever the people so desire. It is provided that the city may organize and maintain all philanthropic, humanitarian, educational, benevolent, charitable or recreative service, which may contribute to the general welfare.

Elections under the proposed charter, unfortunately, are not to be non-partisan, inasmuch as the state laws are made to apply.

The governing body of the city is to be composed of a single house, the members of which will be elected at large; but no two members may be from the same ward of the city. The board would have provided for straight ward representation, except for the provisions of the constitution, which requires that when there shall be but a single house of legislation, its members shall be elected from the city at large.

In addition to the members of the council there will be elected a mayor, a comptroller and a president of the board of aldermen, who, together, will constitute the board of estimate and apportionment —this being a partial imitation of the body of similar name in New York City. The charter will provide for the initiative, referendum and recall. The latter may be invoked if 20 per cent of the registered voters in each of two thirds of the wards of the city sign a petition for that purpose. The recall provisions further require that only the question of removal may be voted upon at the recall election, the question of a successor being submitted subsequently.

The civil service provisions of the charter have not as yet been entirely decided upon. One question under discussion is whether the entire eligible list will be submitted to the appointing officer or only the three standing highest on such list. But all examinations must be practical and must test the relative fitness of the applicant for the particular position sought. The head of a department will be given absolute power to discharge an employee under him, but if an employee so demands, the appointing power is required to give him a statement in writing of the reasons for the removal.

Just what will be the departmental organization is still an open question.

Boston Mayoralty Nominations. When the Boston charter was amended in 1909 along supposedly progressive lines, it was provided that any citizen might be nominated for mayor, on presenting a petition of 5,000 votes. It was argued that, in this way, only a few good men would have their names on the ballot.

But, as the *Boston Globe* says, this theory, like many others in politics, did not work out. In the first place, it has proved exceedingly expensive, some of the petition gatherers charging as high as 20 cents per name; and to guard against a defective petition the candidates have felt obliged to present a much larger petition than 5,000. This situation, the *Boston Advertiser* charges, is unfair to the poor man, who wants to fight the machine and has no wealthy backers. It is further charged that the existing law encourages perjury and fraud.

The City Manager Plan. More cities are contemplating the adoption of the city manager plan. In San Diego, California, an unofficial charter commission has been appointed and has recommended that this form be adopted in that city. San Diego is one of the cities under the commission plan, which, however, has not altogether escaped the weaknesses of that system. The commissions in Salem, Oregon, and Sandusky, Ohio, are also committed to this system, and a very lively movement in its favor has been started in Seattle. Montrose, Colorado, has adopted the plan. The city of Ironton, Ohio, will vote on the adoption of a city manager charter on March 1.

The Kentucky Organization. For the purpose, primarily, of securing legislation enabling cities of the first, third and fourth classes to adopt the commission form of government, the Kentucky Short Ballot Organization has been formed. The founders of this new movement are Louisville men of high civic standing and they have associated with them a considerable number of leading citizens and legislators, throughout the state. Kentucky's legislation on short ballot lines is confined at present to the general law affecting cities of the second class.

H. S. Gilbertson.

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Proportional Representation—*New Jersey.* The Hare plan of proportional representation is provided for in the election of the council or commission under any one of the three optional plans of government—the commission, the federal, or the city manager—offered to New Jersey cities by the bill introduced by Assemblyman Bloom. As the bill will doubtless be much changed by amendment before meeting its fate its present inconsistencies need not be explained. As it reads now, its significance is twofold: in the first place it shows that the need of reforming our representative system has made itself felt in practical politics; in the second place, as it makes no provision for the initiative, referendum, and recall, its introduction suggests that opponents of those institutions have at last discovered—what they might have discovered long ago if they had been more acute—that the only possible way to withstand the progress of those institutions is to offer true representation as an alternative. On account of its omission of provisions for direct legislation, some of the friends of the latter in New Jersey, though favorably inclined towards proportional representation on its merits, are opposing the Bloom bill. It is hardly necessary, perhaps, to add that in fact direct legislation and proportional representation are not mutually exclusive at all. There is nothing to prevent a community that has true representation from having direct legislation also if it wants it.

Holland. A joint committee of the two chambers of parliament of Holland has been appointed to examine the different systems of proportional representation and to make recommendations in regard to the adoption of proportional representation for both municipal and parliamentary elections.

Germany. The rapid progress of proportional representation in Germany, for city councils and other representative bodies, is authoritatively described in a statement read at the international demonstration for Proportional Representation held in London on December 3, 1913. The statement is signed by eighteen distinguished Germans, including seven members of the reichstag and Herr Thedor Curti, director of the *Frankfurter Zeitung.* Following are some excerpts from the statement as translated:

> In Germany, the P. R. movement has only recently come into practical politics from the sphere of theoretical discussion; it is only since the beginning of this century that proportional representation has found its way into legislation. . . . The P. R. system has been introduced for a part of the parliamentary elections for the free city of Hamburg and in the kingdom of Würtemberg. It is also used for the election of some of the members of the representative bodies of some of the larger local areas in the kingdoms of Bavaria and Würtemberg and in the Grand-Duchy of Baden; its introduction is also optional in the Grand-Duchy of Oldenburg, where the town of Delmenhorst has taken advantage of the option.
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> Imperial laws have further made P. R. partly optional and partly obligatory for the election of co-opted members by employers and workmen in the commercial and industrial courts. These courts are special institutions which deal with questions of employment in industry and commerce.
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> The P. R. movement has had its greatest successes in the organizations for social insurance, where it is obligatory for the election of representatives of employers and insured workers on medical aid societies, trade unions, etc. It is also obligatory for the election of representatives of all component bodies under the newly established insurance for employees in private concerns.
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> According to a Prussian law, the trustees and the workmen's committees in coal and lignite mines, iron ore mines and alkali mines may be selected by the P. R. system. Further, we may mention that several municipal and large private works have adopted P. R. for the election of their workmen's committees, as, for example, the municipal works at Strasburg, the new photographic company in Steglitz (Berlin), and the firm of Zeiss, in Jena.
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> A most significant reception was given to the resolution brought into the Reichstag by the social democratic party, demanding that the government should, at an early date, introduce a bill for the introduction of the P. R. system for the Reichstag elections, with a corresponding redistribution of electoral areas. This resolution was only defeated as it were by accident, 140 votes against 139.

C. G. Hoag.

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Montrose, Colorado, Adopts City Manager Plan.—On January 12 Montrose (population 3,254) adopted a home rule charter of the business manager type. The city manager need not be a resident of the city. He may be removed by a unanimous vote of the commission (five members), or by popular recall as any other city official. The charter limits the salary of the city manager to $1,800. It seems as though this salary might be too low to secure a well-trained and efficient city manager, and thus the charter advantages will be largely lost.

William Bethke.

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Mr. Catherwood's Draft of a Model Civil Service Law.—The draft of a model civil service law proposed by Robert Catherwood[1] has the profound merit of representing the views of one who combines the knowledge of a lifelong advocate and student of civil service reform with the experience of an administrator of an important system of civil service regulations. The most striking feature of Mr. Catherwood's draft is the fearless and original manner in which he would strengthen the hands of civil service commissions throughout the country. The apparent ease with which, by determined attacks, political parties are now able to subvert old and established civil service systems seems to make the present time opportune for a general revision and strengthening of civil service laws, both federal and state. The drafting of a model law and its recommendation by the national civil service reform league and the national assembly of civil service commissioners will undoubtedly mark a distinct advance towards this end. Mr. Catherwood's recommendations point to the desirability of abandoning obsolete statutory forms, and establishing in their place a stronger, although simpler, civil service system.

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[1] President of civil service commission of Cook County, and former president of the civil service reform association of Illinois, member of the council of the National civil service reform league and of the special committee on model law appointed by the National assembly of civil service commissioners.

After having incorporated in his draft the essential features of recent developments in civil service systems—such as the certification of pay-rolls, the maintenance of efficiency records for groups of employees as well as for individuals, and the prohibition of political activity of officeholders or the use of public buildings for improper solicitation of campaign funds—Mr. Catherwood fearlessly advocates the appointment of the civil service commissioners themselves only after competitive examination. The commissioners are given terms of office during good behavior or until retirement at sixty years of age, and are immune from removal except after a public trial which may be instituted by any citizen before a special board, a majority of whom are judges of courts of common law. He confers on the commissioners the complete and exclusive power of making rules and regulations having the force of law, and makes it mandatory upon every appointing officer to appoint in each instance the highest name on the eligible list appropriate for the filling of a vacancy, the appointee being immediately protected from dismissal except on written charges to be heard by the commission.

The progressive features of Mr. Catherwood's draft are sufficiently tempered by his experience to challenge careful consideration and cannot lightly be brushed aside as ill-considered innovations. In advocating their adoption by the joint committees on a model law appointed by the national civil service reform league and national assembly of civil service commissioners,[1] Mr. Catherwood makes the plea that the time has now come to re-examine the general principles upon which a civil service system should be established, and that nothing should be incorporated in a model law which is not justified by sound fundamental reasoning. This invites an examination of some of the principles of government which are involved in the important innovations contained in the draft for which he stands sponsor.

Mr. Catherwood's plan of selecting state civil service commissioners by a competitive civil service examination includes the appointment of a special examining board by the chief justice of the state supreme court and by the president of the state university. Since the state commissioners constitute the fountain-head of the whole civil service system established as a stalwart bulwark between political parties and the spoils of public office, thoughtful consideration is invited to the question whether the plan suggested would not, before many years, result in the extension of the power of the invisible government of the political bosses so as to control this fountain-head of patronage, thereby undermining the political integrity of the two high officials named—to the lasting and irreparable disgrace of the state and to the dishonor of its citizens.

As to the unrestricted power conferred upon the commissioners of making rules, it is to be noted that although a similar right is recognized by some of the existing civil service laws, the power to establish laws or rules having the force of law has been but rarely entrusted in the American system of government to a single body of men. There are usually two co-ordinate legislative bodies and either an absolute or an unrestricted veto power is conferred upon some separate official such as the governor or mayor. In harmony with this principle of "checks and balances" the rules established by civil service commissions throughout the country are generally made subject to the approval of a chief executive.

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[1] The members of these two committees are Richard Henry Dana of Boston, president of the National civil service reform league; Robert D. Jenks, Philadelphia, chairman of the council; Elliot H. Goodwin, Washington, and Robert W. Belcher, New York, secretary of the league, representing the National civil service reform league; and John T. Doyle, secretary of the federal civil service commission; Robert Catherwood, president of the Cook County civil service commission; F. E. Doty, chief examiner of the Los Angeles County civil service commission; Lewis H. VanDusen, Philadelphia, civil service commissioner and Henry Van Kleeck, president of the Colorado state civil service commission, representing the National assembly of civil service commissioners.

In the recommendation that the tenure of office of the commissioners should be for life or good behavior until retirement, there appears to be a danger that the term may be so extended that the incumbents will lose the essential point of view of the community. The feeling that this is not a fanciful danger under a democratic form of government, seems to be at the foundation of the present popular demand for the "recall" of public officers and more especially of judges who are the only conspicuous class of long term officeholders. Where persons in public office must necessarily come up at frequent intervals for re-election, there is no apparent necessity for recourse to a "recall" election. Before Mr. Catherwood's draft in this particular is adopted the soundness of the fundamental principle should be determined, that all public officers—including judges and civil service commissioners exercising semi-judicial functions—should come up for reappointment or re-election at intervals not exceeding six or ten years.

Space does not permit further discussion of this most instructive and carefully considered draft of a model civil service law proposed by Mr. Catherwood.

Albert Smith Faught.

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Chicago Reorganizes Street Bureau.—In Chicago, the efficiency division of the civil service commission and the commissioner of public works have undertaken a reorganization of forces and changes in methods of work in the bureau of streets. These changes have been the result of an investigation of approximately eighteen months. The principal features of the reorganization are:

(a) Uniformity of service in all sections of the city in street cleaning, street repair and the collection and removal of city wastes, depending upon conditions and requirements.

(b) Appropriations for these services based upon definite standards and measured services.

(c) Municipally owned modern equipment for street cleaning and street repair work, and garbage and refuse handling.

(d) Comprehensive plan of loading stations and incinerating plants in different sections of the city based upon economical haul and economical disposition of city wastes.

(e) Uniforming all employees engaged in the activities of the bureau of streets as a measure of safety and control and prevention of injury.

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Chicago Slashes Salary Budget.—In Chicago, the city council committee on finances, at its meeting on December 15, 1913, reduced the city salary budget for 1914 by $200,000, and agreed to appropriate for salaries and wages only the exact amount computed as necessary. During 1913 there were transfers of $241,000 from salary appropriations to other purposes. Department heads are said to have reported that they had saved salaries to that extent. Now the efficiency division of the civil service commission says it was not economy but over appropriation.

Murray Gross.

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Springfield Municipal Reorganization.—In Springfield, Ohio, the city commission and City Manager Charles E. Ashburner are planning an extensive reorganization of all departments of municipal administration. A beginning is to be made in the department of health. The positions of health officer, sanitary marshal, dairy and food inspector, pathologist, tuberculosis inspector, city physician and police surgeon are to be abolished and a superintendent of the department will be made responsible for all work. After this department is put upon an efficiency basis, the police and fire departments are to be similarly reorganized. In the meantime, Carl Nau, an expert accountant, is at work installing a new system of accounts.

❖

New Hampshire's Judicial Reform.—A New Hampshire act abolished local police and justice of the peace courts and divided the state into fifty-two municipal judicial districts.

❖

Proposals for Changes in Prussian Municipal Government.—The cities of New Cis-Pomerania in Prussia have decided to petition the central government for a more up-to-date form of municipal government. These cities were not included in the scope of the law of 1853 for the Eastern Provinces, but were left with their ancient form of government slightly modified by special acts. Now it is desired to abandon this worn-out form of municipal organization, dating from Swedish times. But these progressive cities are not willing to come under the terms of the act of 1853, which seems to them too antiquated, although the cities of by far the larger part of Prussia are governed under this act. It is interesting to note in this connection that although the act of 1853 is not uncommonly considered as *the* Prussian municipal corporations act and is in fact the model for the organic acts affecting virtually all the cities, there are in fact no less than nine different acts dealing with city government for various parts of Prussia, to say nothing of a half-dozen important laws subsequently passed which modify in numerous particulars the provisions of these city codes.

R. M. JAMESON.

A Manchester Federal Council.—The city council of Manchester, England, has passed a resolution providing that a special committee be appointed to consider and report as to the expediency, in co-operation and after conference with the several councils of county boroughs, and urban and rural districts adjoining or near this city, of promoting a bill in Parliament for the constitution, with the necessary powers, of a joint board or federation of councils for the administration within the united area of the several boroughs and districts of defined business in which the councils have a common interest, and for the formation, so far as may be deemed desirable, of internal sub-areas or districts or minor authorities for local and special purposes.

This committee is to present a preliminary report to the Manchester council before conferring with other councils.

❖

London Government Reform.—The *Westminster Gazette*, of October 22, 1913, directed attention to "the burden" which falls upon the London county council. Between them the members totaled 18,667 attendances at 2,612 meetings of the council, committees, and sub-committees. The *Gazette* remarked that "it is questionable how long the members of a body the present size can support demands upon their time of this magnitude. The probability is that there will either have to be a delegation of powers or an increase in membership, unless the council is to be given over entirely to the men of abundant leisure."

II. FUNCTIONS

Municipal Utilities.—*The Lighting Situation in Minneapolis.* Minneapolis is one of the cities of the United States that is handling its own lighting problems without any aid from a state public service commission. Its experience shows what a city can do in the way of getting reasonable rates and efficient service if civic standards be but adequately enlightened. Since November 1, 1913, by the terms of a recent ordinance, gas is supplied to private consumers at the rate of 70 cents per 1,000 cubic feet. In 1870, it is interesting to note by way of contrast, the price of gas for private use in the city was $6 gross, $5 net per 1,000 cubic feet. In January, 1878, it was reduced from $4 to $3.50. After various reductions, it was lowered in

1895 to $1.50 gross, or $1.30 net. In 1910 it was reduced by ordinance from $1 gross to $0.85 net, and on September 1, 1913, to $0.85 gross, and $0.70 net.

The rate for street lighting is 65 cents per 1,000 cubic feet. In addition to this, the lights are maintained by the Patterson Street Lighting Company at a cost of $10 per lamp per year. This makes the total cost to the city for its gas lights $18.56. The dockage for outages for 1912 amounted to $1,290.30.

The gasoline lights which are owned and operated by the city have been almost entirely done away with and replaced by either gas or electric lights. The few gasoline lamps that are left, 212 out of the former 1,200, are new style incandescent mantle burners, not the flat flame burners of old. Everywhere gasoline lighting is being overthrown as obsolete. Three hundred and four arc lights were installed in place of 1,427 gas lights and a saving thereby effected of about $7,000 per year. A total of 146 miles of streets are now lighted by gas.

The gas company's total earnings for 1912 were $2,066,939. The net earnings for 1912 were $262,733, of which $306,303 were for interest on bonds. The company pays $3.90 to $4.20 for its gas coal. Four dollars would be close to the average for a series of years.

The total cost for arc lights for 1912, from the Minneapolis General Electric Company, was $111,722.56. The city in 1913 paid $65 for 2,800 6.6 ampere magnetite arc lamps for street lighting. Successive reductions have lowered the price from $84 to $60, the last rate being the bid of the company for the street lighting of 1914, on the basis of 2,800 lights. One reason for this relatively low price conceded by the company is the fact that the city is continually extending its crematory lighting system and that the completion of the high dam in the river between the Twin Cities will possibly put the company out of street lighting business in two or three years. During 1912, 538 new arc lights were installed by the General Electric Company, and 184 by the municipal crematory lighting plant. The cost of the lights connected with the crematory was $5,395.07 or $60 per lamp per year. This is paid to the health department. It has been in operation since June 1, 1913.

The city has also secured, through constant pounding, splendid improvement in service, especially as to lamps, both residence and commercial.

Over the Minneapolis General Electric, as over the gas company, the city has complete power through its franchise. In the year 1912 thirteen electric meters were tested, four of which were over 2½ per cent fast, and therefore condemned. The fastest meter was 12.8 per cent fast, the slowest, 25.8 per cent slow. During 1912, 39 incandescent Tungsten lights were installed of which 7 are 100 watt, 4 are 50, and 28 are 60 watt lights. These are installed in alleys and the center of long blocks. Their total cost per year is about $750. The power and lighting rates for retail commercial lighting range from 8 cents per k. hour for the first 100 k. hours per month to 4½ cents per k. hour for all over 600 k. hours per month. The retail power rate varies from 6 cents per k. hour for the first 200 k. hours per month to 3 cents per k. hour for all over 600 k. hours per month. Clyde Lyndon King.

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Municipal Ownership.—*Akron, O.* Municipal ownership of street car lines has been practically assured by the council. An ordinance providing for a $225,000 bond issue has gone through the first reading. Every councilman voted in favor of the ordinance. This ordinance is the result of a continued fight with the Northern Ohio Traction and Lighting Company to secure extensions of the car lines of the city without an extension of its franchise grant which expires in eleven years. Rather than grant the extension of the franchise, the city is planning to take over the entire system from the company at the expiration of the franchise.

The *Wisconsin* public utility statute of 1907 permits any city to take over utilities at any time at the valuation fixed by the railroad commission. Since the enactment of the law, thirteen utility plants have been purchased by cities. The thirteen cities have paid an aggregate of $2,404,900 for the plants.

Minnesota municipalities are interested in the ownership and operation of their public utilities. G. A. Gesell, in charge of the municipal reference bureau of the state university, is engaged in collecting data on water, gas and electric plants throughout the state. Forty-five cities have sent reports. Of this number, twenty-four have municipal electric plants. All the water plants in the towns reporting are municipally owned. The number of gas plants in the state is small, but several of the existing ones are municipally owned and operated.

St. Louis. While the principal street railway system is a private corporation, one small electric railway (the St. Louis Water Works Railway) is owned and operated by the municipality. On August 18, 1913, the system was introduced of charging a single fare of five cents. At the terminal station eight tickets can be purchased for twenty-five cents. Since the installation of the new system, as far as statistics at hand show, the traffic on the road has increased. In 1912–1913 the largest number of passengers carried in one day was 1,846, while on September 1, 1913, 3,412 tickets were collected.

San Francisco. The following figures have been reported for the Geary street municipal railway for the year 1913, the first year of its operation:

Total revenue, $446,076.37.

Total operating expenses, depreciation and interest, $260,730.57.

Net profit, $85,345.80.

During the last six months, when the road was in full operation from the ferry to the beach, the following figures are reported:

Total revenue, $311,122.87.

Total operating expenses, depreciation and interest, $234,072.58.

Net profit, $77,050.29.

The total length of the road is seven miles. During the year about 9,000,000 passengers were handled.

In December, 1913, the city also took over the Union street electric line, the franchise of which expired at that time. The line was in operation for twenty-one days in December, during which the receipts averaged $1,000 a day. As this line carries the only street cars which run to the Panama Exposition grounds, the city expects an enormous revenue therefrom during the next two years.

During 1914, eight additional lines will be built under the direction of the board of public works, a bond issue of $3,500,000 having been voted to cover the cost of construction.

Street Railway Rates and Service. On February 1, 1914, the Chicago surface lines introduced the "one-city-one-fare" unification service. Hundreds of new cars, a larger per cent of "through cars," five cent fares everywhere in the city, and universal transfers are some of the benefits which the change inaugurates to relieve congestion. One of the particular features of the unification service is the introduction of an entirely new type of closed-at-both-ends cars. The conductor stands on the rear platform and regulates the entrance by a lever. The exit door is worked by the motorman. When both doors are closed, a light flashes as a starting signal to the motorman.

Street Railways in the Twin Cities. The annual report of the Twin City Rapid Transit Company, recently published, shows the following increases for the year 1913 over 1912: Total revenue, $8,870,336.09, as compared with $8,208,967.50 for 1912; the gross earnings increased $661,368.69; the operating expenses $302,639.51. There were 219,992,444 passengers carried in 1912, as compared with nearly 20,000,000 in 1913, an increase of 9 per cent.

C. L. K.

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Telephone Rates.—Hon. David J. Lewis, of Maryland, presented in his speech in the House of Representatives, on January 16, data of great interest to American cities, and to telephone users generally. The following table gives the continental rates for long distance compared with American rates.

Continental Rates for Long-Distance Compared with American Rates

COUNTRY	25 MILES	100 MILES	300 MILES	400 MILES	500 MILES	700 MILES
Sweden	$0.04	$0.08	$0.13	$0.20	$0.20	$0.34
Norway	.07	.09	.34	.40	.....	.....
France	.05	.10	.35	.43	.53	.53
Italy	.10	.19	.38	.38	.38	.....
Belgium	.10	.19	.....	.....	.....	.....
Denmark	.07	.20	.54	.....	.....	.....
Germany	.06	.24	.24	.36	.36	.48
Austria	.12	.31	.38	.38	.38	.....
Hungary	.10	.19	.38	.38	.38	.....
Average continental rate	.07	.16	.30	.36	.37	.45
Bell rate	.25	.60	1.80	2.40	3.00	4.20

A comparison of local rates puts Norway's private telephone rates lowest and then follow the other countries with the local rates here given.

COUNTRY	RANK	LOCAL RATE	LETTER RATE	LETTER RATE EXCEEDS PHONE RATE
				Per cent
Norway (private)	1	$0.004	$0.026	550
Sweden	2	.005	.026	420
Japan	3	.005	.015	200
Norway	4	.006	.026	333
Russia	5	.007	.036	414
Hungary	6	.009	.020	122
Denmark (private)	7	.010	.026	160
Austria	8	.011	.020	80
Italy	9	.013	.028	115
Germany	10	.015	.020	33⅓
Netherlands	11	.015	.020	33⅓
Belgium	12	[1].015	.020	33⅓
Switzerland	13	.017	.020	17
United States (Bell Co.)	14	.021	.020	[2]5
Luxemburg	15	.024	.020	[2]20
France	16	.024	.020	[2]20

The Bell Telephone Company ranks fourteenth among sixteen countries.

A table giving the annual tariffs (flat-rate service) for leading cities of different countries gives the following rates for subscribers:

Christiania	$21.44
Stockholm	24.44
The Hague	26.00
Copenhagen	32.00
Tokyo	34.00
Auckland, New Zealand	34.00
Amsterdam	36.00
Rotterdam	36.00
Berlin	43.20
Budapest	57.90
Paris	77.20
London	82.79
New Haven	$84.00
Oakland, Cal.	84.00
Chicago[4]	[3]84.00
Philadelphia	[3]90.00
Seattle	90.00
Cincinnati	100.00
Boston	125.00
Denver	138.00
Washington	168.00
Baltimore[5]	174.00
San Francisco	180.00
New York[5]	228.00

American average exceeds foreign average 300 per cent.

The New York subscriber's rate of $228 for about fifteen calls per day is greater in amount than the combined rates of London, Paris, Berlin and Stockholm for their unlimited services.

The following table gives the rates per call for measured service in eight leading cities where the telephones are under public ownership and operation as compared with eight American cities where the telephones are under private ownership.

Rates per Call for Measured Service in Principal Cities of the World

COUNTRY	PER CALL		
	2,000 CALLS	5,000 CALLS	10,000 CALLS
Switzerland, Berne	$0.0140	$0.0116	$0.0100
Covington, Ky.	.0450	.0360	.0238
Belgium, Brussels	.0184	.0100	.0060
Baltimore, Md.	.0500	.0336	.0312
Australia, Sydney	.0197	.0106	.0086
Washington, D. C.	.0490	.0366	.0283
Italy, Rome	.0200	.0140	.0120
New Orleans, La.	.0400	.0280	.0240
Austria, Vienna	.0200	.0160	.0100
Cincinnati, Ohio	.0450	.0360	.0330
Germany, Berlin	.0216	[6].0086	[6].0043
Boston, Mass.	.0450	.0360	.0330
France, Paris	.0240	[6].0154	[6].0077
New York, N. Y.	.0555	.0420	.0400
Denmark (private)	.0294	.0197	.0171
San Francisco, Cal.	.0648	.0487	.0265

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[1] Belgium, 1911.

[2] Phone rate exceeds letter rate.

[3] Competition.

[4] Recently this rate raised to $125; competition presumably removed.

[5] Baltimore and New York limited to 5,400 and 5,700 calls.

[6] Computed on flat rates.

Rates per Call for Measured Service in Principal Cities of the World—*Continued*

Country	Per call		
	2,000 calls	5,000 calls	10,000 calls
Average postal telephone rate	$0.0197	$0.0123	$0.0085
Average American telephone rate	.0493	.0371	.0300
American rate exceeds postal (per cent)	167	200	215
American rate exceeds Australian (per cent)	150	250	250

Another table shows that in thirty-six American cities with a population averaging slightly over 200,000 population, with no competition, the annual rate is $89, whereas twenty-four cities, with an average population of 306,000 population, with competition, pay only $62. He then points out that competition in telephone service in the United States is practically out of the question as a regulative factor in lowering costs.

The beneficial results of postalization, Mr. Lewis includes under profits, showing the financial results, receipts and expenditures in the postal systems in other countries, and in the social advantages accruing thereunder. C. L. K.

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Municipal Heating Plants.—The central heating station appears likely to become another municipally owned public service utility. The character of the undertaking and the interest being manifested in many cities in connection with its municipalization, point toward its public ownership. The cities of Newton, Massachusetts (population 40,000), and Bloomington, Indiana (9,000), own and operate such plants, according to an investigation recently made by the municipal reference department of the Free Library of Philadelphia. Spokane, Washington, Jefferson, Wisconsin, Austin, Minnesota, and Leominster, Massachusetts, are other cities which are considering the establishment of such plants in the near future. Sabetha, Kansas (population 1,800), has municipal steam heat service, the central station being run in connection with the city lighting plant. A recent issue of the *Sabetha Herald* comments upon the efficient operation of the heating system, and declares the service to be a source of pride to the people of the city.

C. H. Talbot.[1]

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Hull Telephones.—The city council has sanctioned the purchase from the post office of the national telephone company's plant for £192,423. The council will apply for a twenty-one years' license from January 1, 1912.

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Municipal Motor Buses.—The Birmingham city council has determined to purchase the interests of the motor omnibus companies within the city. This involves an expenditure of some £34,000. The private companies will continue the transportation of passengers from points inside the boundaries of the city to points beyond these lines, and from points without the city to points within the city boundary.

R. M. Jameson.[2]

⁂

Passes on Prussian Street-Railways.—In consequence of a decision of the supreme administrative court of Prussia, Schoeneberg has abandoned its practice of providing members of the city-governing body with free monthly tickets on the street-railways. The ground of the court's decision which dealt with the same question in another city was that this practice was in violation of the law forbidding members of the city council to receive salaries or other emoluments of office.

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Chicago Public Motor Vehicle Rates.—The municipal reference library of Chicago has prepared for the guidance of the Chicago city council a bulletin showing comparative statistics of the rates of fare charged in fifteen large cities for public motor vehicles engaged in carrying passengers for hire. From this statement it appears that but one city has a higher rate of fare than Chicago; that six cities have the same rate for one passenger; one city the same rate of fare for two passengers, and two cities the same rate of fare for three passengers; while no city charges as high a rate of fare for four or five passengers. M. G.

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[1] University of Kansas.

[2] University of Texas.

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Trolley Freight.—*Liverpool* is considering the advisability of using its tramway system for the conveyance of goods to neighboring towns, and for the relief of congestion in the city's dock district. In June, 1912, the city council instructed C. W. Mallins, the general manager of the Liverpool corporation tramways, to submit a report on this subject.

In his report Mr. Mallins notes that in the year 1882, the tonnage entering and leaving the port of Liverpool amounted to 16,208,272 tons, as compared with 34,654,830 in 1912, an increase of 113 per cent in thirty years. These thirty years have witnessed a revolutionary development in steamship construction, both as regards speed and carrying capacity, while the land transporting facilities have practically not changed to adapt themselves to the increased shipping facilities. Thus in 1912, 11,000 horse vehicles were still used on the limited quay space and roads adjacent to the docks and stations, and only 124 mechanically propelled vehicles. The manager concluded that if "a thoroughly well-organized system, equipped with the most modern type of mechanically propelled vehicles—possibly of the electric storage battery type, with a cheap power supply—were provided to deal with the work now carried out by the horse vehicles, the work could be performed by 50 per cent fewer vehicles, which would materially lessen the congestion and it is reasonable to assume that the work would be carried out at a much lower cost."

As to the traffic to outside centers, he feels that the situation warrants the development of either a new tramway system or a trackless trolley system. He feels that the congestion in passenger traffic in this particular central area already taxes the tramway systems to their uttermost.

He finds that fourteen motor vehicles and twenty-eight trailer wagons would be capable of conveying 3,600 tons per day, or 1,314,000 tons per annum.

A trackless trolley system could be devised at a cost of £1,700 per route mile, including all charges other than rolling stock as compared to £7,000 per mile of single track for ordinary tramways. A trackless trolley system could be devised that would handle 2,628,000 tons per annum, equal at 2½d. per ton mile, to £191,625 per annum, with a total estimated expenditure of £78,136, with a total estimated revenue of £95,812, a balance of £17,676. On this basis the system would be at once both extremely cheap to the merchants and profitable to the operators.

The fluidity and adaptability of the trolley freight system seem to commend themselves to the students of the plan everywhere.

Clyde Lyndon King.

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Cost of Living.—*Cincinnati.* Professor John L. Shearer, a member of the charter commission, recently expressed his intention of making "markets" one of the principal departments under the new city charter. He feels that they have never been given in Cincinnati the consideration which they deserve. He is prepared to give the commission the benefit of his careful study of market conditions in France and Germany. His plan as outlined includes a large market place with terminal facilities for railroads and near water routes.

Seattle. The municipal market, according to a recent issue of the *Seattle Municipal News*, is actually reducing food costs. There are over 600 stalls in use, tended by more than a dozen nationalities of stall-keepers. The prices run something like this: two bunches of beets, two of radishes and two of turnips, a couple of bunches of onions, one bunch of carrots and one of parsnips—all for fifteen cents. Other prices are: one large cabbage, five cents; a fair sized squash for a nickle; three heads of celery for ten cents, etc. Stalls rent for as low as two dollars a month.

It is to this low rent and the assembling of so many city farmers and small shopkeepers under one roof, that the low prices are due. The markets are kept clean. In one market there are nine and in another three men constantly inspecting all stalls and keeping them up to the sanitary standards that have been enforced in the four years of their history. Patronage is by no means confined to the poor and to persons with extremely moderate means.

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Municipal Delivery Service.—The failure of municipal markets, when such has occurred, is, in many cases, directly traceable to the telephone and a misconducted delivery service, which inevitably lead to abuses similar to those prevailing in the corner grocery. To obviate the difficulties in the delivery problem, Charles Kamp, market master in Cleveland, is advocating a system of municipal ownership and operation of delivery trucks. His plan has the hearty approval of Mayor Baker. Under this plan the purchasers will carry the basket or package to the delivery station, give the name and address, and pay the cost of delivery, which will probably be five cents. In this way all responsibility is removed from the dealer in the market house, and, at the same time, cash transactions are assured between customer and dealer. No telephone orders will be filled through the delivery service, as these would result in keeping people away from the markets and in creating a credit business. It is believed that the adoption of this plan will greatly increase the attendance at the market, and will further the basic principle of municipal markets—low operating costs. C. L. K.

⁂

Co-operative Buying.—By urban dwellers as a means of reducing food costs has again found successful exemplification in a co-operative activity undertaken in New York City by the association for improving the condition of the poor. The association established a store in one of the two-room apartments on the ground floor. The families inform the superintendent at night as to the variety and amount of meat and vegetables they need for the next day, and the purchase is made the following morning. In this way the families receive the benefit of wholesale buying and there is no waste. Making no charges for overhead expenses, the families have saved an average of 40 per cent by their co-operative buying. Their monthly sales have averaged $369.84. Counting the cost both of supervision and of overhead charges there would still be left a saving through co-operative buying of approximately 20 per cent of total sales. C. L. K.

⁂

Food in Berlin.—The attempt of the municipalities comprising Greater Berlin to reduce the cost of foodstuffs for the poorer classes seems to have met with doubtful success. The sale of Russian meat directly by the municipalities resulted in a deficit of more than $30,000. Furthermore, a large part of the consumers of this cheap meat were not of the poorer class at all but rather of the lower middle class. Furthermore the prices charged by the municipal market for fish and other sea-food appear to have been higher than the current prices in private establishments.

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Accounting Notes.—*Municipal Statistics of England and Wales.* Students of municipal accounting, finance and taxation who in recent years have used the comparative financial statistics of cities published annually by the United States census bureau will be interested in the reports of the local government board for England and Wales. The last annual report of this board (1913) relates to 2,554 taxing authorities, which spend about 98 per cent of the total amount of rates (taxes) raised in England and Wales and about 99 per cent of the exchequer grants received by local authorities.

Budget Interest. There are still some cities where the annual budget is made behind closed doors or at least practically so, because no publicity is given to the proceedings. We have in fact met some officials who defended the "soft pedal" method, on the ground that the public would not take an active interest anyway. While such contentions were long ago disproved by numerous cities, the recent experience of Dayton, Ohio, shows a public interest which in a city no larger than Dayton is truly remarkable. Five thousand people packed into Memorial Hall to discuss the 1914 budget and thousands were turned away. Lantern slides were used to set forth the various departmental estimates and many questions were asked.

Reading, Pennsylvania. The survey of procedure and methods made last quarter by the New York bureau of municipal research and financed by citizens of Reading has been followed by the city officials retaining the bureau to install a complete new accounting system.

Pittsburgh Puts Recommendations into Effect. The New York bureau assisted the city council of Pittsburgh during December and January to make the 1914 budget. The council previously had the bureau make a survey of the city departments. Arrangements have also been completed to install a complete new accounting system, standardize salaries and wages, place the police and fire pension funds on an actuarial basis, reorganize the police department, and put other recommendations into effect.

Allegheny County Officials Want a Survey. The board of commissioners of Allegheny County, Pennsylvania, are now having the New York bureau make a general survey of all the county offices and departments.

Standardizing Salaries in Milwaukee. The Milwaukee bureau of municipal research (Ralph Bowman, director) recently issued in pamphlet form a complete report of what has been undertaken and accomplished in standardizing salaries and grades of city employees. It contains numerous organization charts relating to the several city departments. The plan of standardization follows in general the lines laid down for similar work by New York and Chicago.

Springfield, Ohio, installs a New System. With the recent change to the city-manager form this city has begun the installation of a new accounting system.

Springfield, Massachusetts, has a Permanent Bureau. Citizens established a bureau of municipal research during the last quarter with C. O. Dustin as manager. Mr. Dustin was formerly assistant director of the Dayton bureau.

Staley Goes to Minneapolis. The Civic and Commerce Association of Minneapolis has secured F. S. Staley of the National Training School for Public Service to examine into the accounting and civil service conditions of their city government.

Herbert R. Sands.[1]

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The Bond and Tax Situation in Ohio.—Although the cities of Ohio have cut away from the old cumbersome form of organization and some of them are already blazing a new trail with city manager charters they are still entangled in a confusing tissue of bonded debt and tax laws. The editor of the National Municipal Review has endeavored to get a definite statement or diagnosis of these particular ailments. In undertaking to assist him we must use the "statistical X-rays," even at a sacrifice of interest to readers outside of Ohio.

Concerning the limitation of bond issues in Ohio cities the legal status as summarized by Dr. L. D. Upson of Dayton is as follows:

> Prior to 1902 a special act of the legislature was necessary before cities in any classification could issue general bonds except for sewers and other minor improvements, not including street pavement or repairs. During this time and until 1910 property assessment was between 40 and 60 per cent of the actual values with the usual exemptions of personal property. In 1902 the legislature passed the Longworth bond act, limiting the general indebtedness of any city to 1 per cent of the tax valuation in any one year; 4 per cent

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[1] Secretary of the Metz Fund, New York Bureau of Municipal Research.

in the aggregate; and any additional amount authorized by the voters could not at any time exceed 8 per cent of the tax valuation. The limitations of 4 per cent and 8 per cent remained until after the reappraisement of all property at its true value in 1910. In October, 1911, the 4 per cent limitation was reduced to 2½ per cent and the 8 per cent limitation to 5 per cent. These limitations appear to be in effect to-day.

Net indebtedness is the difference between outstanding and unpaid bonds and of the amount held in the sinking fund for their redemption, and does not include, by the Longworth act and its amendments, the following:

(a) Bonds issued prior to April 29, 1902.

(b) Bonds issued to refund, extend the time of, the payment of, or in exchange for bonds issued prior to April 29, 1902.

(c) Bonds issued in anticipation of the collection of special assessment either in original or refunded form.

(d) Bonds issued for the payment of obligations and arising through emergencies caused by epidemics, flood or other forces of nature.

(e) Bonds issued to meet deficiencies in the revenues by a vote of the people.

(f) Bonds issued for the purpose of purchasing, constructing, improving and extending water works, when the income from such water works is sufficient to cover the cost of all operating expenses, interest charges and to pass a sufficient amount to the sinking fund to retire such bonds when they become due.

(g) Bond issued to construct and equip electric railways on any leased canal property and other property, etc., except that such bonds are not to exceed 2 per cent of the tax valuation of all property.

(h) Bonds issued to repair, construct and replace public property and public ways, destroyed by floods occurring in March and April of the year 1913.

In accordance with section 12 of article 18 of the constitution as adopted September 3, 1912, any municipality which acquires, constructs or extends any public utility or desires to raise money for such purposes may issue mortgage bonds, therefore, beyond the limit prescribed by the law, provided its bonds are secured upon the property and revenues of such public utility.

Bearing these privileges and these limitations in mind, one has to consider the so called Smith 1 per cent law which, prior to 1913, may be epitomized as one limiting the tax rate of any municipality to 1 per cent of the assessed valuation except for bonds issued prior to 1910 and after 1910 by a specific vote of the people. However, a total tax rate for all purposes might not exceed 1½ per cent. By this act, amended in 1913, there shall be not more than 1 per cent for operating expenses and such additional levy for interest and sinking fund as may be required to pay interest and bonds issued prior to 1913 and bonds thereafter issued by a vote of the people. This would indicate that any bonds issued after 1912 not by a vote of the people must be liquidated from the 1 per cent tax.

In conclusion Dr. Upson says:

> The whole matter of limitation of bonds issued is very much confused by the interaction of specific limitations of issue with legislation effecting the amount of taxes which may be levied and it is probable that only after a series of court decisions that the cities of Ohio will definitely understand their financial limitations.

Another Ohio correspondent who is in position to judge of these matters impartially says that:

> Toledo, and in fact all the cities of Ohio, are having more or less trouble in disposing of their bond issues, not because of any lack of credit but because of the adoption of an amendment to the constitution, making municipal bonds taxable. Until January, 1913, municipal bonds were not taxable and the larger cities put them out at 4 per cent. That rate prevailed in Toledo, Dayton, Columbus and most of the larger cities. After the amendments went into effect some of these cities issued bonds at the old rate and had no buyers. As a result of these amendments the rate of interest will have to be raised to 4½ per cent. One of the mayors of the cities concerned writes thus on the subject:
>
> The cities in Ohio have been greatly hampered by the fact that those who are influential with our law-making bodies have been experimenting with every fallacy in taxation, except the old custom of taxing windows, and I suppose the only reason that has not been tried is that the influential ones have not read history enough to know that any such tax was ever levied. Two or three years ago the legislature passed a law known as the "Smith 1 per cent tax bill" which has since become a sort of sacred white cow in this state, and to speak of it in any but terms of awe and admiration is to be guilty of treason and blasphemy. The law limits the total amount of taxation to be levied for all purposes to 1 per cent of the duplicate, which in its way was not

so bad because after the adoption of the law property was put on the duplicate at its full value, but there were inter-limitations, one of which, for instance, provided that no city in Ohio could ever raise more than 12 per cent in addition to the amount raised in the year 1910. As a result our school systems are suffering, and only the other day just before the floods, Columbus laid off ten policemen and Dayton laid off thirty. The unanimous protests of city officials everywhere have been powerless as yet to produce any amendment to the law in this respect, and now to the difficulties created by this folly are added those produced by the new constitutional amendment. The Smith law was purely an expression of the rural dislike of urban conditions, and that unfortunate condition has been intensified by the naive belief that personal property in this state can be taxed.[1]

The council of Toledo has adopted a resolution stating that "most of the municipal bonds issued by the cities of Ohio are not held in Ohio, and that consequently no taxes are paid upon such bonds, and that even such bonds as may be held within this state are not returned for taxation so that the net result to the cities is that a higher rate of interest must be paid if such bonds are supposedly taxable, while no taxes are received in return, so that it simply amounts to an additional burden upon the taxpayers themselves."

Mayor Baker of Cleveland, in a recent address, said that the relation between the cities and the state is distinctly unhealthy to the cities and altogether discreditable to the state. He, too, classed the "Smith 1 per cent law" an absurdity.

The cities of Ohio by virtue of their leadership in adopting the city-manager plan are now in the limelight and being watched throughout the United States to see what results will be achieved. Of utmost importance to their success, in fact out of mere fairness to the new governments and officials, the limitations and encumbrances of present bond and tax laws in Ohio should be removed.

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Public Health Notes.—Some idea of the trend of things in a few of the many divisions of the great field of public health may be obtained from the following notes.

To Encourage the Production of Pure Milk a large dealer pays an extra price to dairyman whose premises and methods conform with a high sanitary standard.

In Montreal Taking Away Milk Licenses is announced as the policy of the health department in case dealers fail to comply with the sanitary requirements governing the production and delivery of milk.

Municipal Pasteurization and Distribution of the Milk Supply, first in the interests of health and second as a measure of economy by reducing wasteful duplication of plant and labor, was advocated by Samuel A. Carlson, mayor of Jamestown, New York, in a recent message to the city council. The estimated cost of the necessary equipment is $50,000. A committee of the council and board of health endorsed the project and it was referred to the legal department for investigation and report.

Smallpox appeared to be unusually prevalent in various parts of the country early this year. The most serious outbreaks have been where vaccination is neglected. Thus Niagara Falls, New York, a community where there has been much opposition to vaccination, has been afflicted with smallpox since 1912. In 1913 Niagara Falls had 196 cases in a population of 30,000, as compared with only thirty-nine cases in New York City, Buffalo and Rochester, with a combined population of 6,000,000. Vaccination of school children is compulsory in the three cities just named, but not in Niagara Falls.

St. Louis. A campaign to make this city the most healthful in the country is being conducted by *The Republic* of that city, which is devoting a large amount of space to sanitary and health problems and reforms.

The Liverpool School of Public Health, under municipal auspices, is one of the latest evidences of awakening to the public health problems of the day.

The Smoke Prevention Section of the Sanitary Code of New York City,[2] having been declared unconstitutional by a lower court, was upheld late in December by the appellate division.

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[1] See item *in re* Ohio Constitutional Amendments, NATIONAL MUNICIPAL REVIEW, Vol. II. page 475.—*Editor.*

[2] Noted on page 141 of the NATIONAL MUNICIPAL REVIEW for January, 1914.

The Urban Death-Rate of New York State in 1913 was 14.5 and the death-rate for New York City was only 13.7 per 1,000 population, as compared with a rural death-rate (for places of less than 8,000 population) of 15.4. The typhoid death-rate per 100,000 inhabitants was 9.8 for the urban communities, 6.7 for New York City and 12.1 for the rural sections of the state. Since city people go to the country for health and get their milk and water supplies from the country they will do well to consider ways and means to reduce the rural general and typhoid death-rates.

Hospitals for Colored People. The utter lack of hospitals for negroes in Atlanta, Georgia, is being brought home to the people of that city by *The Constitution.* Besides general humanitarian motives *The Constitution* urges that the desire to prevent the spread of communicable diseases among the white population should lead to ample provision for the isolation and care of negroes suffering from such diseases.

An Outbreak of Typhoid Fever at Rockford, Illinois, in 1913, following closely after a water-borne outbreak in 1912, led to an investigation which placed the bulk of the original infection upon a bakery employee, from whom the disease was spread by means not only of food from the bakery, but also through three milk routes. Various other sources of infection were found which, with the main source, led the investigators to recommend: increased appropriations for the local board of health, "so as to permit the employment of trained technical men to serve as inspectors of dairies, bakeries, restaurants, markets, soda fountains, etc.; a more careful supervision of the milk supply and insistence on proper sterilization of all milk bottles and other milk containers; the use of typhoid information blanks for recording the significant facts regarding each typhoid case occurring in Rockford; engineering studies and the preparation of a consistent plan for the rapid extension of sewers and the ultimate treatment of all the sewage of the city." Although the water supply was cleared of responsibility for the 1913 outbreak a constant menace was found in the existence of connections between private factory fire-protection systems and the public water mains. It was recommended that all these connections be severed as soon as practicable since (as experience elsewhere has shown) these private supplies are liable to be polluted and may be forced into the city water mains. The investigation outlined affords an excellent example of the growing co-operation between state and municipal authorities and state universities in some parts of the country. The investigators were: Dr. C. E. Crawford, chief inspector, Illinois state board of health; Paul Hansen, chief engineer, Illinois state water survey; H. N. Parker, dairy bacteriologist, University of Illinois; and Dr. W. E. Parkes, health commissioner of Rockford. The writer is indebted to Mr. Hansen for the use of a manuscript copy of the joint report made by these investigators.

M. N. Baker.

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Public Safety Notes.—*Home Rule in St. Louis.* St. Louis's police department has for many years been administered by a metropolitan police board appointed by the governor of Missouri. With a view to increasing the efficiency of the department, the last legislature passed an act vesting the power of appointing the police commissioners in the mayor of St. Louis. At the time of the enactment of this statute it was believed that a democratic mayor would be elected in the fall of 1913. When a mayor of a different political faith was elected, the newly enacted statute was suspended pending its submission to the people under the referendum at the autumn elections in 1914.

Rehabilitation of Chicago Police. A committee of the Chicago city council has prepared a report recommending the expenditure of $2,500,000 for the rehabilitation of the Chicago police department. The recommendations contained in this report are worthy of careful consideration by all police chiefs. The most important are the providing of sanitary housing conditions in police stations, the elimination of basement cellrooms, the establishment of independent stations for women, the installation of an emergency hospital, a gymnasium, a public comfort station and an ambulance garage in each police station, the establishment in outlying districts of sub-stations for detachments of mounted men, and an adequate central office building.

Non-Professional Interest in Police Work. The absence of opportunities in our American plan of municipal government for the unpaid service of non-professional men in a consultative function has deprived many of our municipal departments of the benefits accruing from the active interest in their welfare of men who have achieved success in private life because of their unusual ability. The testimonial dinner tendered to Police Commissioner Waldo of New York, by Jacob H. Schiff, the New York banker and philanthropist, as an evidence of appreciation of efficient municipal service is worthy of notice, as a demonstration of non-professional interest which should be encouraged.

Leonhard Felix Fuld.

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The Disposal of Waste in Philadelphia.—The Philadelphia highway bureau has asked for a detail of seven patrolmen from the department of public safety, one to be assigned to each highway district. The duties of these men are, first, to warn scavengers, and then, if the nuisance of interfering with waste put out for collection is persisted in by the scavengers, to arrest them. The act of April 20, 1905, makes it unlawful to throw waste paper, sweepings, ashes, household waste, nails, or rubbish of any kind into any street or to interfere with the contents of any receptacle containing waste. The act further provides a punishment of fine and imprisonment.

These patrolmen are also to call the attention of householders to the Housing Act of July 22, 1913, which requires that occupants of dwellings shall provide a non-leakable receptacle of an approved standard for ashes.

It is evident that peach baskets and such nondescript receptacles are not of "an approved standard," and where ashes are put out in receptacles that are not tight and durable they are not collected. The householder is warned in advance of the housing law providing for proper receptacles by the distribution of "Call For Waste" cards, left at every house by order of the bureau.

It is hoped by this means to eradicate the very distressing evil existing in Philadelphia as well as other cities of littering sidewalks and streets by the careless way in which waste is put out for collection. The "Call For Waste" card is designed to hang in the front window or in a conspicuous place in front as a notice to the collector to call either at the front or rear of the building for the waste and thus do away with the necessity of putting it out on the sidewalk. This does not refer of course to ashes which must be deposited in proper receptacles on the sidewalk for the collector.

In addition to this work being carried out by the bureau, Mrs. E. W. Pierce has been appointed to get the co-operation of householders and school children in "preventive" street cleaning work, by means of addresses at public meetings and women's clubs and talks in schools at assembly. Following these instructions the children put them into effect at home and write compositions expressing their ideas in regard to cleanliness and health. For any specific work, no matter how small, or for ideas expressed in writing, the children are awarded badges as volunteer inspectors, and this responsibility is greatly appreciated by the boys and girls.

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The Public Defender. — Oklahoma created the office of public defender three years ago. This official working under the commissioner of charities and corrections was so successful in the handling of cases in and out of court that it led to the revival of the movement to create a similar office in California. Some five years ago Mrs. Clara Shortridge Foltz, a Los Angeles attorney, prepared the draft of a bill making it mandatory on every county in the state to elect a public defender but was not able to secure its passage. Another bill was prepared last year and sent to Sacramento through the co-operation of the writer and Representative Woodley of Los Angeles and Representative Evans of Riverside, but this also failed of action.

The office was written into the new charter of Los Angeles City prepared with the advice of experts brought together at the National Municipal League meeting and submitted to the voters in May, 1912. This charter was defeated. Judge Lewis R. Works, a member of the Los Angeles county charter commission, as well as the city charter revision committee, introduced a similar paragraph in the county charter which charter was adopted by the people and through that the office of public defender was created as a charter office for the first time in the United States.

The provision requires that upon request by the defendant or upon order of the court, the public defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the superior court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defence, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed $100, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

On January 6, Walton J. Wood was appointed as the first public defender by the board of supervisors after a civil service examination. He has now a deputy and three assistants with clerk and stenographer. This force will be added to as the demand arises. During the first month some 500 cases passed through the office, few of whom in the ordinary course of court procedure would have received adequate attention. This office justifies the hope for more complete justice for minor offenders and those whose chief offence is their poverty.

Prisoners in Los Angeles police courts who cannot afford counsel are to have the free services of a public defender. Permission has been granted by Mayor Rose, chief of police Sebastian and the police judges to William Francis Ireland to act in the capacity of a public defender in the city courts. Mr. Ireland was also given a blanket permit to interview any prisoners in the city jail at any time. The work is undertaken voluntarily by Mr. Ireland, who will receive no salary. His object, he says, is to awaken public sentiment to a desirability of having a public defender for the city as well as for the county. When the city is ready to create the office, he will consider his work completed and step out.

Dana W. Bartlett.

⁂

German Municipal Zoning.—In an instructive summary in the annual report of the Massachusetts Civic League for1913, Frank Backus Williams gives a comprehensive account of the German experience with the zoning or districting system in its relation to housing. Zoning was evolved in the seventies by the veteran city planner, Baumeister, and applied by the famous city administrator, Dr. Franz Adickes, in Altona in 1884. In 1894 the principle was upheld by the German courts and since then it has been widely applied. To-day a majority of the German cities are subject to zoning regulations.

City construction may be divided into two phases: city planning, or the laying out of streets and other features of the city; regulation of buildings with respect to their character, location and intensity. Zoning, which falls under the second phase, has as its objects the regulation of real estate values and rents by preventing one class of activities from intruding upon another to the injury of both; the fixing and preservation of the character of neighborhoods in order to avoid the waste of destruction, rebuilding and readjustment; the promotion of manufactures by placing the plants in favorable situations; and especially the improvement of housing conditions through the prevention of congestion. The last object is accomplished by limiting the intensity of building each lot so that on every one of them there may be light, air, sun and open spaces.

Baumeister advocated a gradation of building ordinances according to conditions between different parts of a city. The reason for this gradation is a practical one. Land values in the old part of German cities were usually based upon rules which allowed five stories and about four-fifths of the lot for buildings. Hence regulations for the old city must be so framed that the land owner in that part of the city could build and obtain the current rate of profit from his investment. This generally meant that for new buildings in the old part of the city the same intensity must be allowed as for the old ones there. In other parts of the city, however, where buildings were not so high and did not cover so much of the lot, zoning of perhaps four stories with three-fourths of the lot to be covered as a maximum would not disturb land values. In still other quarters requirements could be still lower. So regulations might be graded until rural conditions for certain areas would be obtained.

In its application to the development of old cities, zoning naturally gave rise to graded circular belts around the old business center where the land was dearest and the buildings tallest. Under present conditions of city development, however, literal zones in the sense of broad concentric belts within which regulations are uniform are not now so common. Judging from present indications, future zoning will depend upon the relation of building to the lot on particular types of streets, thus making the street the unit.

Used in either way, the zoning system has been successful in Germany in its main purpose, that of limiting congestion and thus requiring of every land owner at his expense a minima of light, air and open space without which healthful housing is impossible.

All Germany, however, it appears, is in a deep controversy as to whether zoning has an effect upon land values. In respect to this Mr. Williams ventures the conclusion: "Unquestionably restrictions may raise or lower the relative prices of neighboring land, but how can they affect the general average of land prices as a whole, upon which the prices of both are based? Obviously demand remains the same. If a land owner may not build five stories and cover 75 per cent of his lot, but only to three stories and 50 per cent, the other two stories must rest somewhere, if the people who want to live in it are housed at all. If it does not rest on the lot where they first wished to put it, it will occupy a lot of its own, probably farther in the outskirts. Thus, such restrictive regulations serve to extend demand over a broader territory, without increasing or decreasing it, with no disadvantage to the land owner as a class; in fact, they may be benefited. Benefits to land owners will be distributed. Outlying land will be brought more quickly in the market, and carrying charges, which so often turn profit into loss, will be saved. And the community gains, in light and air, with no cost to it as a body."

Murray Gross.

New York Motion Picture Law.—In New York City, on August 12, 1912, the first comprehensive law in the United States for the regulation of motion pictures was put into effect. For over three years, Mayor Gaynor, Ralph Folks, of the board of aldermen, and various social institutions were at work for a law that would do away with the danger to audiences from fire and panic, from inadequate ventilation and sanitation, and for a supervision that would abolish immoral practices in such theatres. After strong opposition, the law went into effect. It shows the following important provisions:

Motion picture theatres shall not be constructed in frame buildings within the fire limits, nor in hotels or tenements, nor in factories, nor in workshops, unless separated by fireproof walls, and in no case shall they be constructed above or below ground floors.

No exit shall be less than five feet in width, and there shall be a main exit of ten feet in total width. All exit doors must be unlocked when the building is open to the public. They must be fireproof and made to open outwardly, and so arranged as not to obstruct the required width of exit or court when opened. Unobstructed exits must be provided both in front and rear, and of sufficient number, according to the seating capacity.

Chairs must not be less than 32 inches from back to back, and only seven are allowed between aisles.

Proper temperature for all seasons is clearly stipulated in the ordinance. Artificial ventilation must be provided where natural ventilation is not available, so that at least 500 cubic feet of fresh air per hour for each person is admitted. The location of these ventilators is designated. One fan for every 150 persons must be kept in operation to keep the air in motion during the performance. No persons shall be exposed to a direct draft.

Carpets, rugs and other fabric floor covering shall be cleaned daily by means of suction cleaning or other dustless method. Curtains, draperies and cushioned seats shall be cleansed at least once monthly by similar methods.

To help raise the moral tone, it is provided that the theatre be sufficiently lighted so that a person with normal eyesight could read standard type. Another important clause is the one calling for the elimination of vaudeville because the cheap admission makes it practically impossible to get wholesome talent.

Portable fire apparatus must be provided.

No standing room is allowed.

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The Moving Picture as a Municipal Adjunct.—Every day motion pictures are demonstrating their usefulness and it is no surprise that they are becoming a municipal adjunct. Actual operations in road construction and other municipal engineering work are now shown by this medium; schools are using them for instruction purposes; and recently it was reported that a missing city official will be sought by having his photograph shown in 10,000 moving picture places by a moving picture weekly in the hope that some one of the million spectators may have seen him. In the same way before long the police are likely to make use of the moving picture for tracing fugitives and criminals. As an instrument in civic education, the moving picture could well be used in teaching the ignorant voter how to vote. A picture showing the voter entering, receiving, marking and depositing the ballot, and showing a large copy of a correctly marked ballot, might result in bringing out voters whom timidity of the unfamiliar might otherwise have kept at home. There are always numbers of new voters, either just of age, or newly made citizens, or women just enfranchised, or others who have moved from places where the voting methods or ballot are somewhat different, to whom the instruction would be very welcome.

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San Francisco Municipal Opera House Vetoed.—The board of supervisors on November 10, 1913, passed an ordinance accepting an offer of the musical association of San Francisco to donate $850,000 in trust for the purpose of building and equipping an opera house in the civic center of the city and alloted as a site land valued approximately $1,000,000. As a condition to the donation, however, the association reserved for its members, their heirs and assigns forever a prior right to over eight hundred of the best seats in the house at each performance. Mayor Rolph vetoed the measure on the ground that, commendable as was the spirit that advanced the project, fundamental principles of government make such a partnership between municipal property and private capital impossible, and contrary to both the letter and spirit of the city charter.

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Los Angeles People's Orchestra.—The experience of the people's orchestra affords an example of a way in which good music can be furnished a community at a relatively small expense. This orchestra was organized in November, 1912, under the direction of the music teachers' association of southern California, and includes fifty-three of the best-known and talented performers residing in Los Angeles. During the season of 1912–1913 thirty concerts were given, attended by 44,635 people. The price of admission prior to March 1 last year was twenty-five cents; since, a change has been made to 15, 25, 35 and 50 cents. A deficit of something over five thousand dollars resulted from the thirty concerts.

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Small Towns and Music.—A number of towns and town communities in this country have recently astonished ordinary musicians by their remarkable demonstration of what devoted musical work can do. At Bethlehem, Pennsylvania, a community largely monopolized by steel mills, a choir has arisen which gives what "are conceded to be the finest presentations of Bach's work in this country." To this "Pennsylvania Oberammergau" flock thousands of music lovers from this and other countries. At Lindsborg, a town of 2,000 in the heart of the agricultural district of Kansas, is an organization that has caused its home town to be called the "Swedish Bayreuth in Kansas." The organization is devoted to oratorios, and each Easter week thousands are attracted to the town by its performances of Handel's Messiah. At Anoka, Minnesota, annually takes place an "outdoor sing" at which at times over five thousand people from neighboring communities gather to sing over again to the accompaniment of bands old familiar songs. It is accomplishments like these that point to the possibilities of the future.

III. POLITICS

Boston. The municipal election for mayor resulted in the choice of Congressman Curley, an influential practical Democratic politician, over Thomas J. Kenney, likewise a Democrat, who had the Municipal League and Republican support. There are no party designation in Boston municipal ballots, but Curley was known as the Democratic candidate and received the "organization" vote. Since the election I have been trying to ascertain the reasons for the outcome and here are two explanations, typical of the others, which must give us pause for reflection as both correspondents were supporters of Kenney and both are keenly interested and actively devoted to progressive work. The first began by saying:

> As for an explanation of the result, the most hopeful one I can think of is the scriptural suggestion: that, "whom the Lord loveth he chasteneth." This is not wholly satisfactory, however, as I can't quite see what Boston has done to deserve such a fate.
>
> The first point is, of course, the fact that Curley was elected by a little over 40,000 votes and that there were 30,000 registered voters who did not vote at all. The temperature was below zero all day and it is probable that more fellows *with* overcoats failed to vote than those *without* them. I have not yet seen an analysis of the stay-at-home vote, showing how it

> was distributed in the various wards of the city. The Curley people claim that if the weather had been better their vote would have risen as much as the other. If that is so of course we need to look elsewhere for an explanation than to the stay-at-homes.
>
> It looks now as if the Citizens Municipal League, so-called, was a stumbling block rather than a help to the success of Mr. Curley's opponent, Mr. Kenney. The league has a limited membership of two or three hundred, I believe, all estimable and respectable voters from all wards. Its executive committee picked out the candidate for mayor and this choice was confirmed by a majority of the league after more or less vigorous opposition. The mass of voters, however, are somehow or other disaffected by respectability. They looked upon the C. M. L. as undemocratic and made up their minds to throw down whomever it nominated.
>
> Another fact lies in the disaffected old line Republican who was disappointed that there was no definite Republican candidate. Add to these facts Curley's personal popularity with the ignorant voters who are caught with the bait of some material gain like increased wages or a job; add also Curley's appeal to the immigrant, that he had the courage to oppose the literacy test in Congress and always stood for unrestricted immigration—this is the combination that held 40,000 or more together. It does not, however, justify the result, and it doesn't express the real choice in a city of 700,000 population with a metropolitan district of one million and a half.
>
> A side light on the question whether woman suffrage would have helped us any may be found in the remark of Mrs. James Curley on the morning after election. "If everyone knew Jim as I do there wouldn't have been a vote cast against him in the whole city."

The other opinion is to the same effect The result, he says, is

> Due partly to the long continued and widespread disgust of the common people for silk stocking (Back Bay) leadership, so-called; partly to the bad tactics of the municipal league which was apparently open to the charge of secret committee manipulation in behalf of Kenney; partly to the highbrow attacks on Curley for his jail offense, which to his supporters, *et al.*, is trivial; partly to the attempt successful hitherto to beat the Irish Catholic democratic ward politician majority by the charter provisions. So many of the highbrow leaders are old fogies, narrow and even reactionary, that it is difficult to be harsh with the people affected by the stirring of new ideas and ambitions, for not following the highbrows.

The "jail offense" referred to was a three months' term served by Curley upon his conviction for personating a constituent in a civil service examination.

* * *

New York.—Mayor Mitchel's appointments to the heads of bureaus and departments have been received with general approval; as has his declaration that he did not care to do any prophesying; he preferred to report. Among those whom he reappointed are Lawson Purdy, as president of the board of tax commissioners, John J. Murphy, tenement house commissioner, and R. A. C. Smith, dock commissioner. Among his new appointments are Henry Bruere, a director of the Bureau of municipal research, as city chamberlain; Dr. Henry Moskowitz as president of the civil service board; Katherine Bement Davis, commissioner of correction; John A. Kingsbury, commission of public charities. Among Mayor Mitchel's other appointments are, Fire commissioner, Robert Adamson, Mayor Gaynor's secretary, who has expressed a strong interest in fire prevention; street cleaning commissioner, John T. Featherston; park commissioner for Manhattan, who is automatically president of the park board, George Cabot Ward; park commissioner for Brooklyn, Raymond V. Ingersoll, a member of the council of the National Municipal League, as is Mr. Purdy; commissioner of bridges, F. J. H. Kracke; tax commissioners, Collin Woodward and Adolph L. Kline, who has been mayor since the death of William J. Gaynor; members board of assessors, Alfred P. W. Seaman, Jacob J. Lesser and William C. Ormond; civil service commissioner, Darwin R. James, Jr.

* * *

Pittsburgh has recently been the scene of some very interesting politics. The mayor's major appointments were favorably considered; but the deputies seem to have been selected with a view to giving to the political organization responsible for Mr. Armstrong's election the substantial fruits of the victory and to build up a strong political organization. So much criticism has been aroused, and so much of it has been directed to the form of government, that H. D. W. English, the president of the civic commission, issued the following formal statement:

> Despite failures of men in cities here and there to measure up to the standard set by the advocates of commission government, the form is not by any means a failure.
>
> We do not have in Pittsburgh the straight commission form of government, our executive and legislative departments being separate. We do have a small councilmanic body of nine elected at large, which is a great improvement over the old system of ward representation.
>
> Our present situation, with a city council wasting the taxpayers' money by creating jobs and increasing salaries and approving the appointments of undesirable men to office, is due entirely to the introduction of state politics into municipal affairs. It is an attempt of a state machine to capture a city.
>
> We have as councilmen nine good business and professional men, by far the best council this city ever had. They are personally honest and stand well in business and professional life. Undoubtedly they went into office with the highest and best motives for the service of their city and their community. We believe they have failed to live up to these ideals and the demands of the community because a majority of them have permitted themselves to become entangled in the present state fight.
>
> Instead of every action being prompted by thought of the city's needs, it is warped and twisted to meet the political necessities of the state machine. If Pittsburgh's new councilmanic system fails it will not be because the system is not good, but because the men elected under it have permitted themselves to be carried away by state politics rather than municipal business.
>
> Errors made in appointments and salary raises cannot be justified and the officials who have permitted it will finally pay the penalty.
>
> The citizens of Pittsburgh and the civic commission still believe in the present form of city government. Unfortunately the legislature did not give us the initiative, referendum and the recall, which was a part of our charter plan.
>
> With these effective instruments our position would be different. A majority of our council, instead of working for a state machine, would be working for the citizens of Pittsburgh. It is a most emphatic illustration of the absolute need of the initiative, referendum and recall to make effective the best form of municipal government. In addition it is a most striking example of the pernicious effects of state machine interference in local affairs.

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Toledo.—Concerning the four terms of Brand Whitlock as mayor, which came to a conclusion on December 31, 1913, the *Toledo Blade* said editorially:

> While the world at large knows Brand Whitlock as author, lecturer and student of sociological affairs, his home city knows him for certain quite practical achievements in municipal administration. It knows him as one who has transformed the political outlook of an entire community. Further, it knows him as a man of rare and sympathetic qualities.
>
> In the course of time, the achievements in municipal administration may be forgotten, or lost sight of amid the newer and bolder works of a wealthier city. But it will not be forgotten that Mr. Whitlock softened the attitude of the stronger toward the weaker, that he held out hope to the oppressed and ignored, broadened the vision of folk who, by reason of tradition or habit, had been blind to all except their own particular interests. Nor will people to whom he has given of his sympathy, to whom his hand has been held out, forget—or the children of these people.
>
> As definite and tangible material betterments brought about in the four terms of Mr. Whitlock may be recited: The transformation of the water works system, the reorganization of the police department, the spurring of the fire department to better service, the establishment of traffic regulations, practical work toward the elimination of the smoke nuisance, the encouragement of more sanitary practices in the manufacture and distribution of food, the planning of the civic center, the reconstruction of the Cherry street bridge and the placing of a new bridge connecting the northern sections of the city.

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Cincinnati.—For years the chief reform influence in this city has been the *Citi-*

zens' Bulletin, published by Elliott Hunt Pendleton.

The *Bulletin* was founded in 1903 because the daily papers of Cincinnati did not and would not publish the truth concerning what was going on in connection with the administration of city and county affairs. They were at that time to a great extent either a part of the Cox machine or afraid to antagonize that powerful organization.

In the words of a local correspondent:

> Within a year after the *Bulletin* was started, the *Post* came over to the support of the cause of reform and has been steadfast ever since. Mr. Scripps, the owner of the *Post,* told Mr. Pendleton that it was the *Citizens' Bulletin* that brought him around. Gradually the *Enquirer* became fairer in its treatment of local affairs and in the municipal elections of 1911 and 1913 heartily supported Mr. Hunt and his associates. During the past two years the *Times-Star* has been the fairest of all the Cincinnati papers in its attitude toward the Hunt administration. The *Conmercial Tribune* has been practically the only paper to support the gang. This paper has just changed hands. These changes in the conditions which led to the establishment of the *Bulletin* render it unnecessary to continue the publication of the *Bulletin.*
>
> In my judgment no American municipality has made greater civic progress during the past decade than has been achieved by the city of Cincinnati. It will be very hard for any administration to depart from the high standards that have been established through the efforts of the reform element of our city.[1]

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Milwaukee.—The former socialist mayor, Emil Seidel, has been renominated for the same office by a referendum vote of the Social Democratic party.

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Seattle.—Hiram C. Gill, elected mayor of Seattle in 1910, recalled for misconduct in office in less than a year, and defeated by Mayor Cotterill in 1912, was on March 3 of this year re-elected to that office. He was recalled on charges of allowing gambling and disorderly houses to keep open. In his letter "To the Men and Women of Seattle" announcing his candidacy, Mr. Gill said:

> I have made up my mind to become a candidate and to seek election that I may, if successful, demonstrate to you that in the passing of what my political enemies have referred to, and will again refer to, as "Gillism," there also passed all that there was in me that permitted the existence of those conditions which led to my recall. No one realizes more than I that such conditions are forever impossible in this city.

At the subsequent general election Gill was elected over his competitor by a substantial majority. A member of the National Municipal League explained this action of the electors in the following manner:

"Gill was elected because most of his former supporters stayed with him and thousands of his former opponents had faith in his promise to better things. He has always enjoyed the reputation of being sincere and this reputation has so far been justified by his appointment of Austin E. Griffiths as chief of police and his straightforward statement of his program which is simply a policy of genuine economy and the retention of department heads in whom the public have confidence."

Rev. M. A. Matthews, D.D., pastor of the First Presbyterian Church of Seattle and an active factor in the civic life of the city, in a survey of the situation said: "Remember that the man who made his plea for sympathy on the ground of reformation and change of viewpoint will in my opinion try to live up to his professions, and if he does he ought to have the sympathy and encouragement and assistance of all the people. Every man has a right to change, every man ought to change and become Godly, upright and consecrated, and if he does change he ought to have the encouragement of all the people. . . . Remember Seattle is clean and will remain clean. The last election did not mean any change from the good policy on Seattle's part."

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[1] In the July issue we hope to have a survey of Mayor Hunt's administration.

Others have borne similar testimony and it would seem as if the recall had been the means of truly converting to sound views of public policy a man of original sound ability.

Clinton Rogers Woodruff.

* * *

Chicago's Election Frauds.[1]—Stirring incidents have been treading on each other's heels in the prosecution of the Chicago election fraud cases. The first trial resulted in the conviction of two participants in the frauds and sensational developments are promised in the second trial, which is under way.

Preliminary to the trial of the first case one week was spent in arguing a motion to quash the indictment, one of the contentions being that the law under which the indictment was drawn was unconstitutional. The defense decided to put the question to an immediate test, and for that purpose instituted proceedings in habeas corpus. To save delay, the special state's attorney, John E. Northup, agreed to submit the case to the supreme court at once. The day following the filing of the petition the court rendered an opinion holding the law constitutional.

Then followed a week in procuring a jury. The defendants placed on trial were Charles Baranov, David Rose, Joseph Gordon and Thomas Geary. Baranov was a judge of election and the other defendants were either workers or watchers at the polls. The specific charge against these defendants was the altering of ballots cast by the voters.

Fifty-one ballots marked in this manner were introduced in evidence. These ballots had been carefully examined by John F. Tyrrell, of Milwaukee, handwriting expert who arranged the ballots in groups of ten or fifteen. He said the crosses made on the ballots clearly indicated that all of the ballots in several groups had been marked by the same person. Four different and distinct styles of crosses were pointed out on the fifty-one ballots, exclusive of the cross made by the voter. These facts indicated that four men had participated in the illegal marking and altering of the ballots.

The difficulty in proving a case of this nature was apparent at the outset because of the fact that it was necessary for the state to establish in minute detail the official character of the ballots. From the time the names of the candidates which were to be placed upon said ballots were certified to the election commissioners who are authorized by law to have the ballots printed, until they were deposited in the ballot box each step had to be presented to the jury in formal testimony. It was then necessary to trace the ballots from the depositing of same in the ballot box in the election precinct to the moment of their introduction in evidence before the jury, and to prove further that they had not been tampered with and that they were in the same condition as when delivered to the election commissioners' office by the judges and clerks of election of the particular precinct. In view of the fact that the trial of this case was had at a date one year and two months after the ballots had been cast by the voters, the difficulty is apparent. It required the calling of one hundred or more witnesses to make this formal proof, together with numerous other witnesses whose testimony tended to establish links in the chain of evidence.

The state's attorney in whose interest these ballots were marked was subpœnaed as a witness for the defense, but he left the city on the day he was to take the stand. Carter H. Harrison, the mayor, and a member of the political party that profited by the frauds committed during the election, was also called as a witness for the defense, as, also, was Peter Bartzen, defeated candidate for president of the county board, another beneficiary of the fraudulent marking of ballots. The trial consumed a trifle over three weeks, at the end of which time the jury brought in a verdict of guilty as to Rose and Gordon. The punishment fixed by statute is from one to five years in the penitentiary.

In the meantime State's Attorney

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[1] See National Municipal Review, Vol. III, p. 153.

Hoyne had been prosecuting a case in quo warranto questioning the legality of the appointment of Mr. Northup as special state's attorney to try the election fraud cases. A day or two following the verdict the appellate court handed down a decision holding that Judge William Fenimore Cooper had acted within the law and had jurisdiction to make the appointment. A petition for a re-hearing was filed by Mr. Hoyne in the appellate court but a few days later it was denied. This decision fixed the legal status of Mr. Northup as special state's attorney to prosecute the election frauds of the November, 1912, election.

Upon the convictions obtained in the first trial and the decision of the appellate court, a resolution was presented to the county board recommending the appropriation of $20,000 for the continuance of the prosecution of violators of the election laws. This made the fifteenth attempt to make appropriation for this purpose. Mr. Hoyne's followers on the county board were strong enough to defeat the appropriation.

Shortly after the first trial was begun Mr. Hoyne caused the indictment of Samuel Goldman, who will be one of the principal witnesses in the second trial, on the charge of subornation of perjury. It was charged that he had promised money or employment to certain persons if they would testify they had seen frauds committed. The indictment was brought about in a sensational manner and given great publicity, with a view, Mr. Northup believes, to embarrassing the prosecution of the cases. The evidence against Goldman was furnished by a man who had been employed by Mr. Northup in investigating the fraud cases and had been discharged. At the time the evidence was heard before the grand jury at the direction of Mr. Hoyne, this former investigator was under indictment by the special grand jury for perjury as a result of his testimony in the case against Goldman. This information, however, it is understood was not known to the grand jury which indicted Goldman.

On February 5 the special state's attorney Mr. Northup, began the trial of the second fraud case, in which were seven defendants. One of them has turned state's evidence and another, who had asked to be a state's witness, was mysteriously drowned in the drainage canal, leaving five defendants on trial. At this writing the jury is being selected.

The latest move made by Mr. Hoyne has been to obtain practical control of the county board. He has been able to cause resolutions to be passed making him the legal adviser of the board and placing him at the head of the county's law department. President McCormick vetoed the resolutions, but the Hoyne following kept up the fight. At a recent meeting the board adopted a resolution demanding an investigation of the conduct of the special grand jury which returned the indictments against the election officials; that Mr. Northup present to the board a statement showing in detail from whom he had obtained the money to carry on his investigations and prosecutions, and how he had spent it. The purpose of the resolution is intended, in the opinion of Mr. Northup, to throttle the prosecution and dispense with the services of the special grand jury. Up to this writing Mr. Northup has failed to respond to the demands of the resolution.[1]

Andrew H. Yount.

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Absentee Voting.—The subject of voting away from home has been prominent this year and at least three states passed acts permitting absent voting. The unavoidably absent voter from the city and county of St. Louis may vote in any city or county in the state of Missouri by affidavit for the county, district, state and national officers. The voter votes at the polling place and the ballot is filed with the county clerk. Voting away from home is provided for also in South Dakota and in California. In the latter state the voter must notify the election officials in advance so that a ballot may be sent to the place where he desires to vote.

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[1] Since the above was written the second group of defendants were admitted. The trial of B. J. Mahony, assistant state's attorney, likewise charged with election fraud which followed, resulted in a disagreement of the jury.

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Women in Office.—For the first time the city council of Berlin has elected a woman as citizen deputy. The lady in question has been chosen to serve on the deputation for poor relief. Miss Esther M. Jones of Lethbridge, Alberta, Canada, enjoys the distinction of being the first woman to hold the office of city clerk in a Canadian city.

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Women's Municipal Party.—A women's municipal party has been organized in London through the efforts of Mrs. O'Sullivan. The Duchess of Marlborough is chairman of the council of the organization. The purpose of this party is to bring forward and promote the cause of women candidates for seats in the London County Council. The party has no municipal platform of its own but supports the candidacy of women regardless of their political views or affiliations.

Political Pressure on German Officials.—In the city of Lichtenberg two Social Democrats were recently elected to the city administrative board. Their selection was due to the backing of local parties comprising in large part the local officials. As a result of this pernicious political activity on the part of public officials disciplinary proceedings are to be instituted by the higher authorities against those advocating the selection in question.

R. M. J.

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Social Democratic Gains in German Municipal Councils.—The year 1913 showed an increase of 1,559 in the number of social democrats on municipal councils. The total number of councillors of that party in office amounted in the past year to 12,001. But the November, 1913, elections seemed to show that a reaction had set in because of substantial gains made by the other parties. The cities are the strongholds of the Social Democrats who, particularly in Prussia, have practically no chance to elect representatives to the state legislatures. In the German Reichstag moreover the failure to reapportion the constituencies results in a gross underrepresentation of this numerically very formidable party.

R. M. J.

IV. MISCELLANEOUS

St. Louis Pageant.—Giving a man, woman or child from each city block a part in a great municipal play is the means taken in St. Louis to arouse a new and enthusiastic civic spirit. This play, to be called "The Pageant and Masque of Saint Louis," is to re-enact the many romantic episodes in the history of the city from the time of the mystery-veiled mound builders to the close of the Civil War. A committee of three hundred members, composed of duly elected representatives of virtually every civic, business, racial and social organization in St. Louis, is in charge of the arrangements for the pageant and masque, which is to be given out of doors. There will be more than 7,000 actors and actresses, drawn from each city block in St. Louis. The performance is to be given next May in the great natural amphitheatre in Forest Park, the people's chief playground. There is room for 80,000 spectators, and most of the seats will be free. The expenses, estimated at $125,000, are being met by popular subscription.

The idea for the whole affair began with Miss Charlotte Rumbold, secretary of the St. Louis Public Recreation Commission. Each year, the children of the playgrounds, under her direction, meet to give an entertainment, which sometimes takes the form of a series of dances, or a play. Watching the children from all sections of the city playing together in perfect harmony on the occasion of one of these entertainments, the thought flashed into Miss Rumbold's mind:

"If the children will play together, their fathers will work together. Here is the secret of the unification of the various sections and interests of St. Louis into one strong, hearty co-operative movement for the good of the city. It is the biggest idea of the new century for St. Louis."

She told several business men of her thought. They immediately offered to capitalize the idea for any amount that might be needed, providing she would suggest a practical plan for working it out. The pageant and masque is the result. Considered at first as merely a subsidiary part of the annual fall festivities, the plan grew until now it eclipses in magnitude any venture of the sort that has been made in St. Louis for a decade. St. Louis is fortunate, among western cities, in having not only an especially interesting history upon which to build a pageant, but also an ideal spot in which to produce it. In preparing for the event, the committee of three hundred interviewed the leading pageant masters of America and England. Choice finally fell upon Percy MacKaye, Thomas Wood Stevens and Joseph Lindon Smith, as the authors and directors. Mr. Stevens, who is head of the school of drama in the Carnegie Institute, Pittsburgh, is writing and will stage the pageant. The pageant concerns itself entirely with the facts of history. It is to be followed immediately by the masque, which is to be a symbolic interpretation, in dramatic form, of those St. Louis events which have been world-forces. Mr. MacKaye is writing the masque, and will have the assistance of Mr. Smith in staging it. Frederick S. Converse, one of the founders of the Boston Opera Company, is writing the music for the masque.

The enterprise, while it is planned as the world's most ambitious venture into this form of art, is valued chiefly in St. Louis for the close and friendly association in which it is bringing thousands of citizens who hitherto have been unknown to one another, and for the vast possibilities of future civic progress which this friendly association means.

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Schools Giving Instruction in Municipal Administration.—In Germany. Hochscule für Kommunale und Soziale Verwaltung in Cöln a. R. School maintained by the city. Lectures in municipal administration given since 1907; systematic instruction begun in 1911. References: Eckert, Chr. Die städtische Handelshochschule in Cöln. Cöln, 1911. Weber, Adolf. Die Cölner Hochschule. Cöln, 1912, Kommunales Jahrbuch. Jahrg. 5, 1912–13, p. 369–371.

Akademie für Kommunale Verwaltung in Düsseldorf. Opened, October 30, 1911. References: Stier-Somlo, F. Kommunale Wissenschaften und Kommunale Ausbildung. (Address at opening of the school.) Berlin, 1911. Düsseldorf Verwaltungs bericht, 1911–12. Kommunales Jahrbuch Jahrg. 5, 1912–13, p. 371–373.

Frankfurt a. M. Stiftungsuniversität. Founded by royal Prussian sanction in summer of 1912. Not yet organized. Not a municipal school, but to be conducted under direction of the Prussian minister of education. Project was met with good deal of opposition. Purpose of institution seems to be to afford higher instruction to industrial and commercial classes. Sum of six million marks guaranteed as an initial fund. Neither city nor state is to assume financial responsibility. City, however, turns over to the university its hospitals, museums, libraries, etc., to be part of the institution and to serve as laboratories. References: Prussia. Haus der Abgeordneten Stenographische Protokolle Stzung 47, 1912, p. 3759–3779. Kommunales Jahrbuch. Jahrg. 5, 1912–13, p. 372.

Schools for Training of City Officials, (i. e. Persons already in employ of city).—Hochschulkurse für Kommunalbeamte, Munich. The Zentralverband der Gemeindebeamten of Bavaria (Central Association of City Officials of Bavaria) proposes to establish a school for the training of city administrators. At present the proposition has advanced only to holding of lectures in the Handelshochschule (Commercial high school) in Munich, the first course having been given in the winter semester 1912–13. It is open to city employees and to academically trained persons intending to enter municipal service. Address: Munich, Ludwigstrasse, 4.

Gemeindebeamtenschule zu Aschersleben. Opened, 1910. First school of its kind in Germany. Maintained by the city.

Kommunalebeamtenfachschule des Kreises Mettman. Opened in September, 1911. Supported jointly by the cities of the Kreis (district) and the local association of city officials.

Beamtenschule in Posen. Opened, October, 1911. Address Prof. Dr. Giese, Posen W 3.

Städtische Verwaltungsbeamtenschule in Düsseldorf. Not to be confounded with the Akademic für Kommunale Verwaltung in Düsseldorf. Opened, 1910. References: Düsseldorf. Verwaltungsbericht 1911–12, 1912–13.

Gemeindebeamtenschule in Waldbroel. Opened, January, 1911.

Adelaide R. Hasse.

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A New Academy for Municipal Officials in Dortmund. The latest German city to establish a school for municipal officials is the manufacturing and industrial center, Dortmund. This school, which is to serve the Province of Westphalia, has received the indorsement of the higher administrative officials who have agreed to give preference in appointments to such officials as take the courses offered therein.

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Growth of Academy of Municipal Administration in Cologne. The attendance at the Cologne Academy for Municipal Administration surpassed all previous records during the past winter semester. The total number of students registered was 334. Up to the present there have been nineteen students to receive diplomas at the institution.

The Civics Room of the Chicago Library.—About a year ago the Chicago Public Library set aside a special room for materials bearing on education, business, economics, sociology, municipal affairs, and political science generally. Dr. Henry E. Legler, the librarian, makes the following report on the results of the first year's experiment:

The use of the materials bearing on economics, sociology, municipal affairs and political science has more than justified the establishment of the specialized work grouped under the general head of civics. Members of the city council and of the legislature, city officials and employees of related organizations, committees of the association of commerce and of other unofficial bodies have repeatedly used this material for reference and research, and great numbers of post-graduate students taking courses at the University of Chicago, Northwestern University, Lake Forest University, and other students in the numerous educational institutions located here and in academies and colleges within a radius of fifty or sixty miles, have at times taxed the resources of the department to meet their needs. As regards the use of the material generously provided for teachers along lines of pedagogy we have been somewhat disappointed. The material for business men has been used considerably, but a great field in this direction still remains unexplored and unpromoted. The statistical summary herewith given, while making a satisfactory showing as to use, really gives no full statement of the actual results accomplished, for the reason that many of these are not reducible to statistical tabulation. To tell that part of the story would require an extended narrative of the individual instances of productive results reached through the aid which this department has rendered during the year 1913:

Number of patrons	50,016
City, business and special directories consulted	20,832
Magazines on education, economics and sociology issued	19,231

Books on these subjects consulted in this room	16,415
Pamphlets issued	110,850

No count was kept of the clippings used, but very considerable use was made of them.

*

American Urban Unemployment.—As a result of the present business depression many cities in the United States are confronted by the distress of thousands of men and women out of employment. In Chicago, the advisability of transporting unemployed men and women to sections of the country where work may be expected is under consideration by the officers of the recently formed American Association of Public Employment, and after conferences with the labor commissioners of Massachusetts, Indiana, Wisconsin, Michigan, and Illinois, they have determined to advocate the establishment of public employment offices in all the cities and states where they do not now exist, and to cooperate with other cities and states in the exchange of information which may be of advantage to the unemployed. In Los Angeles, a resolution has been drawn up demanding that the city and county appropriate $1,000,000 for public work as a means of securing employment for some five thousand unemployed in the city. In Chattanooga, Tennessee, the municipal employment bureau has bent every energy to solve the problem of over a thousand unemployed high-grade workmen stranded in the city as a result of the widespread advertising of the opportunities and climate of the city in which it recently engaged. In Portland, Oregon, plans have been made to push park and other public improvements in order to make use of the unemployed men in the city. This attitude of helpful co-operation on the part of many cities in securing work for large numbers out of employment is an advance toward progressive municipal government that charges itself "with promoting and preserving the public welfare."[1]

Los Angeles Municipal Annexation.—Among the earliest acts of Mayor Rose was the appointment of an annexation commission to study ways and means to bring under one government the entire metropolitan area. This commission has progressed far enough to make a report which favors the bringing of the entire group of towns and districts into Los Angeles, while preserving a local control of local problems. Each district remote from the city's center is to recommend to the council the appointment of a board of public improvement, the personnel of each board to be determined by the people of its particular district. Questions of local concern are to be passed on by these boards of improvement, the city council reserving the power of veto.

By this method Los Angeles expects to add 150,000 acres, containing 100,000 people, to her municipal area.

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City Publications.—Cleveland is to have a city record to contain the transactions and proccedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The *City Record* will be published, distributed and sold in such manner and on such terms as the council may determine.

St. Louis has under consideration an official publication like the *Boston City Record*. The Board of Freeholders are opposed to the "boosting" type of publication.

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Denver and the Moffat Tunnel.—At a special city election, February 17, Denver voted $3,000,000.00 in bonds to aid in the construction of the Moffat tunnel through the Rocky Mountains. The city retains ownership in the tunnel until the interest and principal have been paid by the Denver, Northwestern and Pacific railroad. Provisions are included in the contract so that other roads may use the tunnel on reasonable terms, and the city may use it to carry water from the other side of the divide. The city thus hopes to get direct access to Salt Lake City and the Pacific coast. In view of the commercial benefits which are expected to come to the people of Denver, the city felt justified in lending its credit to the support of the enterprise.

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[1] Murray Gross. See Miss Frances A. Kellor's article, *supra*.

William Bethke.[1]

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Ohio Municipal League.—The third annual convention was held in Columbus, January 21 and 22. The leading subjects of discussion were: municipal civil service; the financial condition of Ohio cities; the progress of charter reform under the home-rule amendment to the constitution, adopted in 1912.

The most active discussion centered around Mayor Baker's address upon the financial condition confronting Ohio cities. He gave a trenchant criticism of the present statutory restrictions upon the taxing and borrowing powers of cities, and made a strong plea for home-rule in taxation. All who took part in the discussion were in substantial agreement that under the present inelastic limitations, revenue adequate to the needs of the cities, economically administered, cannot be produced; and that unless the cities are accorded greater financial liberty they must abandon some indispensable services in the promotion of social welfare. On this matter the league adopted resolutions which were presented to the governor, as a basis for recommendation to the general assembly, then in special session. These resolutions advocated municipal home-rule in taxation, and requested that provision be made for appointment of a state commission to investigate and report upon the taxation situation, with special reference to sources of local revenue. The resolutions further urged that legislation be enacted providing immediate relief to the cities in the following ways: (1) the relinquishment by the state, in favor of the several cities, of its portion of the liquor license fees; (2) the abandonment of the direct state levy, exclusive of the levy for good roads; (3) the returning to the city of a substantial part of the receipts from automobile license fees.

Charles E. Ashburner, formerly business manager of Staunton, Va., now city manager of Springfield, Ohio, presented a paper upon the city manager form for smaller cities. R. E. Miles, formerly director of the Cincinnati bureau of municipal research, outlined his plans for the newly created Ohio institute for public efficiency. This institute, of which Mr. Miles is director, will constitute a central clearing house for municipal research for the cities of the state. Pres. Hoskins of the state civil service commission, explained the provisions of the new civil service law, which enlarges the application of the merit system in municipal civil service, extends the system to state and county, and creates a state commission. This commission not only administers the law for the state and county services but exercises certain powers of supervision over municipal civil service commissions.

For the ensuing year Rev. Dr. Washington Gladden was elected president of the League, and F. W. Coker, of Ohio State University, was chosen secretary-treasurer. Mr. Coker succeeds Mayo Fesler, who refused re-election in order to devote his entire time to the Municipal Association of Cleveland.

F. W. Coker.

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Colorado Municipal Conference.—The first municipal conference in the state of Colorado was held at Boulder, February 16 and 17, under the auspices of the Extension Division of the State University. The meetings were much enriched by the very stimulating addresses of Clinton Rogers Woodruff. He characterized the papers and discussions as being very democratic and public spirited. The address by Commissioner J. Knox Burton of Pueblo, on commission government in operation, attracted much attention. Mr. Burton concluded from an analysis of the actual workings of commission government in Pueblo that the system does not insure expert heads for administrative departments. The sentiment of the meeting seemed to be that, although the business manager type may ideally be more perfect than the commission form, the movement toward the new type ought to be slow until a supply of really efficient city managers can be developed.

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[1] University of Colorado.

The conference formed a permanent organization and took steps toward the establishment of a municipal reference bureau in connection with the university. The following officers were elected: president, Mayor J. M. Perkins, Denver; vice-president, Mayor S. L. Clammer, Fort Collins; secretary, Dr. L. D. Osborn, director of the extension Division, University of Colorado; treasurer, J. Knox Burton, Pueblo; auditor, F. D. Stackhouse, chief clerk, Department of Social Welfare, Denver.

William Bethke.

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Dr. John Nolen of Cambridge, Massachusetts, is now in Ireland, at the invitation of Lady Aberdeen to help to replan Dublin and to organize a civic exhibition, as a basis for a civic revival in Ireland.

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Harold S. Ryerson, for two years assistant secretary of the Municipal League of Los Angeles, has been elected, to the position of secretary made vacant by the death of Charles D. Willard. It was Mr. Willard who chose Mr. Ryerson for league service. According to the *California Outlook* he took a keen interest in the work of his young assistant and constantly gave him the benefit of counsel and advice based on many years of public service experience. Mr. Ryerson proved an apt student of municipal and social problems, and has well merited the trust now reposed in him. Prior to entering the league on March 1, 1912, Mr. Ryerson was supervisor of physical education and hygiene in the Los Angeles schools, a position he accepted after having made an excellent record as superintendent of playgrounds for the Pasadena school department.

Edward LeMoyne Heydecker, for years assistant tax commissioner in New York under Lawson Purdy, died February 12 at his home in Mount Vernon, New York. At the time of his death, Mr. Heydecker, known as one of the foremost tax experts in the country, was chairman of the National Municipal League's committee on new sources of revenue. His address at the Los Angeles meeting[1] was generally regarded as one of the most effective presentations of the subject that had been made before the league. His eldest son is assistant secretary of the New York City Club.

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William H. Edwards, who was street cleaning commissioner under Mayors McClellan and Gaynor, was not reappointed by Mayor Mitchel, but he has taken up similar work for the city of Newark, New Jersey. It is reported that he is getting a higher salary in Newark than he did in New York.

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Samuel L. Shank, formerly mayor of Indianapolis who resigned while in office, has gone on the vaudeville stage.

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William L. Ransom, a well known Progressive of New York, was elected city court judge of New York on the Fusion ticket.

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Dr. Livingston L. Farrand, for years the efficient executive secretary of the National Association for the Study and Prevention of Tuberculosis, has resigned this position, as well as his professorship in Columbia University, to become president of the University of Colorado.

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J. O. Hammitt, formerly secretary of the New York Citizens' Union, has been appointed head of the Fire Prevention Bureau of the New York Fire Department under Mayor Mitchel's administration.

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[1] Volume II, page 577.

Stuart Wood of Philadelphia, a member of the National Municipal League from the time of its organization, died March 3, 1914. He was treasurer of the American Academy of Political and Social Science and identified with a large number of learned and scientific bodies.

Samuel B. Capen, who was vice-president of the National Municipal League from 1894 to 1905, died January 29, 1914. Mr. Capen was the president of the old Boston Municipal League and has for years been actively identified with the movement for improving municipal conditions.

DEPARTMENT OF REPORTS AND REVIEWS

CRITICAL AND INTERPRETATIVE

PROFESSOR JOHN ARCHIBALD FAIRLIE, *University of Illinois,*
Associate Editor in Charge

ASSISTED BY

CHARLES D. MAHAFFIE, *Portland, Oregon*

Public Service Commission Reports.[1]—The courts have established the principle that a public utility is entitled to a reasonable return upon the fair value of its property and that it must render adequate service. They have, however, failed to formulate any definite principles as to what constitutes fair value, or adequate service. But recent reports of public service commissions indicate that these bodies to whom has been entrusted the duty of regulation are developing well defined usages and principles in the regulation of public utilities.

The last report of the Wisconsin commission describes its work for the year ending June 30, 1912. The work of this commission had been materially increased in the preceding two years, as the law had been amended, requiring any change in rates or classification to be approved by the commission before going into effect. The report contains a description of the work accomplished. It criticises municipal accounting, for difficulty has been encountered in getting the municipally owned utilities to follow the uniform accounting rules prescribed. The decisions of the commission are printed in separate volumes, issued irregularly, of which seven have appeared. These decisions have been criticised on the ground that they are too voluminous. But they set forth clearly and logically all the facts and reasoning upon which the decisions rest, which can not be said of the decisions of several of the commissions.

The latest report of the Massachusetts gas and electric light commission contains a separate collection of statistics regarding municipally operated lighting plants, of which there are thirty-two in the state. Considerable space is occupied by the discussion of the board's approval of consolidations. The question as to the proper method of conducting valuations is not touched upon, as it has been customary for the board to base an estimate as to the amount upon which a return should be permitted, upon the securities which have been approved by the board.

The Rhode Island public utilities commission was organized on May 8, 1912, and during the remainder of the year 1912 had fifty-one complaints before it. Needless to say, it has not yet developed theories of rate making or valuation. But its first report indicates that it has improved service. It reports that as the result of its work the only discriminations which now exist are those which arise from contracts entered into between utilities and the customers, prior to the enactment of the public utilities law.

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[1] Report of the Public Service Commission of Ohio for the year 1912, 1162 pages.

Sixth Annual Report of the Railroad Commission of Wisconsin; Wisconsin Railroad Commission Reports, Volumes 6 and 7.

Third Annual Report of the Board of Public Utility Commissioners for the State of New Jersey, for the year 1912, 504 pages.

Twenty-eighth Annual Report of the Board of Gas and Electric Light Commissioners of the Commonwealth of Massachusetts, 433 pages.

Report of the Public Service Commission of Maryland for the year 1912, 629 pages.

Annual Report of the Public Utilities Commission of the State of Rhode Island, for the year ending December 31, 1912, 177 pages.

Fifth Annual Report of the Corporation Commission of the State of Oklahoma, 853 pages.

State of Connecticut, First Annual Report of the Public Utilities Commission, 768 pages.

Second Report of the Public Service Commission of New Hampshire, 1577 pages.

First Annual Report of the Public Service Commission of Washington, 292 pages.

Report of the Public Service Commission for the First District of New York, for the year ending December 31, 1912, Volume I, 901 pages.

Reports of Decisions of the Public Service Commission, Second District of the State of New York, from July 1, 1911, to May 7, 1913, Volume 3, 871 pages.

Report on the United Railways Company of St. Louis, by the St. Louis Public Service Commission, 382 pages.

The public service commission for the first district, New York, in addition to its regular duties, is successor to the board of rapid transit railroad commissioners, and is entrusted with the work of planning new rapid transit routes, the letting of contracts for the construction of elevated roads and subways, and providing for the operation of such roads. Much of the board's attention of late has been occupied with planning additions to the subway. Nevertheless, it has exercised general supervision over all the utilities under its jurisdiction. Its last report indicates that, during the year, it considered 1,707 complaints, which were largely concerning service and equipment. The report contains all the orders issued by the commission during the year 1912.

The public service commission for the second district has issued in a bound volume its decisions from July 1, 1911, to May 7, 1913. The noticeable feature of this report is the comparatively small number of rate cases. The attention of the commission has been largely taken up with matters of capitalization, franchises, and service. The discussions of the question of capitalization of public utilities to be found in the reports of this commission are probably more full and complete than those to be found elsewhere.

The report of the New Hampshire commission deals largely with application for the authorization of new securities, and with efforts to improve the service. Rate cases have apparently thus far been few. One rate case discussed, however, is significant, for it seems to indicate the commission's preference for original cost as the proper basis for valuations. The report also contains an interesting discussion of discriminations, as shown by free and reduced rate service.

The first report of the Connecticut public utilities commission very definitely rejects the original cost theory, in favor of the cost of reproduction. It also insists upon the law being amended to prohibit the merger or consolidation of utilities without the approval of the commission. The report does not contain the record of informal complaints, many of which were presented verbally, and which were taken up by the commission, either in conference or by letter to the companies, resulting in most cases in adjustment or correction. Many of the commissions are finding this the most satisfactory way to handle minor complaints concerning matters of service.

The New Jersey public utilities commission has given much consideration to franchises granted by municipalities. In a number of cases grants given by the city government have contained provisions regulating service and rates. Since the control of these matters has been placed with the commission by law, the commission refuses to give its approval to any franchise which contains provisions as to rates and services and which does not provide that such regulations are subject to any changes which the commission may make in the future. The commission also indicates its unwillingness to approve franchises to any company when another corporation is already engaged in rendering the service adequately and reasonably. Under such conditions "the company in possession is not to be subjected to competition." The most important rate case reported is the public service gas case, in which the board developed its theory of "going value."

The most important subject before the Maryland public service commission in 1912 was the matter of telephone rates in Baltimore. A completely new schedule of telephone rates was established, which appears in the report of the commission for 1912. The Maryland commission is the one commission which thus far has not made any allowance, in valuations, for intangible elements. Although it has made several valuations of large properties, it has, up to the present, included in its valuations nothing but physical or structural values.

The railroad commission of Ohio has been transformed into the public service commission of Ohio, jurisdiction being given it over all public utilities in the state. This was done without any change in the personnel, membership or organization of the railroad commission, although competent specialists have been employed in the various technical branches of the work. The first report of this commission indicates that it has given particular attention to the regulation of capitalization. The report contains a discussion of the authorization of the issuance of new securities to companies already over-capitalized, when such fictitious stock has been issued previous to governmental regulation.

The report of the Oklahoma corporation commission indicates that it has given its greatest attention to rate cases. It has also assisted in the prosecution of railroads before the inter-state commerce commission. The commission has been conducting a valuation of all the utilities in the state, which it reports as being not yet completed.

On June 8, 1911, the railroad commission of Washington was made the public service commission of Washington, and given wide power over all utilities in the state. It was required to make a valuation of all utilities within its jurisdiction, and to this work it has directed its attention, a work not yet completed at the time of the appearance of its first report. This report indicates an effort by the board to eliminate discriminations throughout the state. Practically all the rate cases reported are concerned with railroad rates.

The St. Louis public service commission has not published annual reports, but has issued some very important special reports. Probably the most noteworthy of these is its special report on rates charged by the United railways company of St. Louis, in which it claims the earnings of the company are much in excess of a reasonable return. This report is of particular importance because of its defense of the original cost theory of valuation, which was applied to the property of the united railways company.

Practically all the above mentioned reports are accompanied by statistics as to investment, capitalization, earnings, operating expenses, cost of production, rates charged consumer, etc., by all utilities within the jurisdiction of the commissions. Some of the commissions include such statistics in the volume containing the report of the year's work, others issue the statistics in a separate volume.

Ralph E. Heilman.

State University of Iowa.

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Social Service.—*The Social Year Book.* Cleveland Federation for Charity and Philanthropy, Cleveland, December, 1913, pp. 238. Price, 25 cents.

This is the record of the first year's work of the Cleveland federation for charity and philanthropy which was founded early last year. The federation itself was the result of action taken by the Cleveland chamber of commerce, January 7, 1913, adopting the recommendations of its committee on benevolent associations. Those recommendations grew out of the increasing demands upon benevolent societies and the decreasing number of givers. The committee proposed to create a large body of intelligent givers by spending in social education a part of the money which on the competitive basis of charitable appeal went simply to advertising one form of charity at the expense of its rivals. Accordingly, out of 165 benevolent organizations listed in 1910, all but ten of the seventy-eight making general appeals for support have joined the federation; of the remainder seven are inactive and eighty are supported by endowment in one form or another. Members of the federation agree: (1) not to solicit for current expenses persons contributing to the federation, while remaining free to solicit others as heretofore; (2) not to circulate tags, tickets, etc., and to do away as soon as possible with benefit bazaars, fairs, etc.; (3) to consult with the federation about raising funds for purposes outside of current expenses; (4) to make reports as desired and to keep books open to audit by the federation's board.

Under this plan all contributions are sent in direct to the federation treasurer, with or without designation as to how the money is eventually to be distributed. The gains under this system have been surprising. First, the total gifts have increased from $126,735 in 1911–12 to $214,363 in 1913, a gain of nearly seventy per cent. Second, the number of givers increased by over 2,000, though the total of their contributions was only about $15,000. Third, there was a notable saving in moving away from the practice of paying commissions to subscription solicitors—amounting heretofore to from 10 to 33⅓ per cent. Fourth, an opportunity was gained for greater publicity in the field of benevolence. The federation furnishes about a page a week of "benevolent news" for the education of Cleveland "social stockholders."

The larger part of this report is given over to short records of the work of organizations federated. For the most part the records are written in good tone, well illustrated and attractively printed. While of course it is too early to predict exactly how the Cleveland experiment will work out it is safe to say that it is a move in the right direction, perhaps the highest point to which charity federation under private direction can be carried. It would be desirable to work out a plan whereby the federation might be in even closer relations with public relief authorities. That we hope will be Cleveland's next step.

Bulletin No. 2 of the Social Research Council of Boston. (Publications of the Department of Social Ethics in Harvard University, No. 6.) Cambridge, December, 1913.

The very useful service performed by Boston council's first bulletin issued a year and a half ago is supplemented by bulletin No. 2 which has just appeared. The purpose of these bulletins is to announce social investigations under way or recently completed, in order to prevent overlapping. It is the federation idea, already worked out in philanthropy, now extended into the domain of social research. The first bulletin covered 125 studies; the second adds studies newly undertaken and some of which the council was unable to get direct record in 1912. The range of topics is wide, including population, housing and land, health and sanitation, communication, alcoholism, domestic relations, unemployment, accidents and disease, child labor and legislation, health of children, and a good select list of Massachusetts official publications containing materials upon social subjects. These bulletins ought to save a great deal of wasted effort, a sense of futility on the part of the investigator who discovers that he is simply repeating the motions of others, and a sense of irritation on the part of those who are investigated, those helpless victims of the interviewer and the questionnaire.

ARTHUR J. TODD.

University of Illinois.

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The Newburgh Survey. Russell Sage Foundation, June, 1913.

These reports show the results of two investigations carried on under the direction of the department of surveys and exhibit of the Russell Sage Foundation. The sub-title of the Newburgh survey states that it includes "reports of limited investigations in social conditions"; but a considerable part of the field has been covered, and reports are presented on public schools, public health, housing, delinquency, recreation, charities, industrial conditions and municipal administration. The purpose of the survey was constructive; and each sectional report contains recommendations for improvements. There is, however, no general summary or co-ordination of the conclusions of the separate sectional reports.

Chicago Railway Terminals.—*The Railway Terminal Problem of Chicago.* A series of addresses before the city club. 1913.

Report of Mr. John F. Wallace to the committee on railway terminals of the city council of Chicago. October 20, 1913.

Report on the Rearrangement and Development of the Steam Railroad Terminals of the City of Chicago. By Bion J. Arnold, November 18, 1913.

In the spring of 1913 the union station company and the Pennsylvania railroad company presented plans for a new passenger and a new freight terminal on the west side of Chicago, which opened a prolonged discussion and investigation of the problem of railway terminals in that city. The list of publications at the head of this review include the most important documents in this discussion; and serve as a text for a preliminary review of the situation.

The numerous railroads centering in Chicago make use of six terminals located at different points on the circumference of the "loop" or business district of the city; and these terminals serve to constrict the business area as well as to present serious obstacles to the development of adequate local transportation facilities. Various plans have been proposed for rearranging these terminals, notably that first presented by F. A. Delano of the Wabash railroad for concentrating all the railroad passenger terminals on the south side of Twelfth street. This idea was further developed in the work of the Chicago plan commission. Meanwhile, however, the Chicago and Northwestern railway has been permitted to construct a new terminal on the west side of the Chicago river, near the old union station, and without reference to the proposed series of terminals on Twelfth street.

Under the plans presented last year, a new union station was proposed on substantially the site of the present station on the west side (the head house to be located one block south and west of the present station), and a new freight terminal for the Pennsylvania railroad was proposed to be built two blocks west of Canal street and running north to Van Buren street. These plans were opposed, as involving the abandonment of the Twelfth street passenger terminal and conflicting in many respects with the interests of the city, and the proposals of the Chicago plan commission.

At a series of six meetings arranged by the city club in June, 1913, addresses were given on various proposals for dealing with the terminal problem,—including the plans for the proposed new union station, those of the Chicago plan commission, and others presented by Jarvis Hunt, Pond and Pond, and Guenzel and Drummond. These addresses are given with illustrations in the first of the publications noted above; and present a wide variety of suggestions which cannot be described here in detail.

Following this discussion, and that in the public press, the city council committee on railway terminals employed John F. Wallace of New York as engineering expert to examine and report on the proposals of the union station and Pennsylvania companies. Soon afterwards a citizens' committee employed Bion J. Arnold to make a study of the several terminal plans, including Mr. Wallace's report.

In his report submitted on October 20, Mr. Wallace approved the ordinance for a union passenger terminal as proposed by the union station company, and recommended some modifications in the plans for the proposed new Pennsylvania freight terminal.

Mr. Arnold's report, presented a month later, discussed the whole problem at greater length. He did not concur in Mr. Wallace's conclusions as to the proposed freight terminal; he urged that the new union station should be further south; and he emphasized the importance of considering the larger aspects of the problem, including the straightening of the river, the depression of railroad tracks in the business district, and greater co-operation between the different railroads.

Discussion over these reports in the

council committee with representatives of the railroad companies led to agreement on some changes in the original plans; and after further consideration, the railroads submitted revised plans accepting a number of the suggestions in Mr. Arnold's report. These plans abandon the proposal for locating the new freight terminal west of Canal street, and provide for it east of that street, for straightening the river and for many changes in street grades; but do not alter the location for the proposed passenger terminal.

J. A. F.

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The Nineteen Local Governments in Chicago is a pamphlet report issued last December by the Chicago bureau of public efficiency. It constitutes one of the latest and one of the most pertinent and impressive arguments for municipal home rule and a shorter ballot. To make the subject matter all the more valuable the larger part of the material is admirably visualized in a series of ten charts.

The report calls attention to the fact that "there are nineteen distinct governing agencies in the territory comprising Chicago, most of them absolutely independent of one another." This number does not include the seven towns still lying within the city and still having a legal existence, nor the governing bodies in Cook county outside the city of Chicago, nor the proposed forest preserve district provided for by the last legislature, nor the state public utilities commission which began its existence January 1, and which will deal more or less intimately with problems of local concern to Chicago. nor, finally, the state legislature which frequently exercises its power to interfere in matters of local administration.

The distinct governing agencies mentioned are: The city of Chicago, the board of education, the library board, the municipal tuberculosis sanitarium, Cook county, sanitary district of Chicago, south park commissioners, west Chicago park commissioners, Lincoln park commissioners, Ridge avenue park commissioners, north shore park commissioners, Calumet park commissioners, Fernwood park commissioners, Ridge park commissioners, Irving park commissioners, northwest park commissioners, Old Portage park commissioners, Edison park commissioners and west Pullman park commissioners.

The report calls attention to the fact that at certain elections Chicago voters have presented to them one of the largest ballots in the world; that the cost of elections in 1914 to Chicago and Cook county will probably exceed $1,000,000; that the total number of elective officials whom the voters of Chicago choose or help choose is 368, of whom 231 are local.

The greatest needs of Chicago are then presented as follows: (1) unification of its local governments, and (2) a short ballot. These two propositions are shown to be necessary in order to promote economy in the handling of public funds, efficiency in administration, and intelligent selection of officials. The steps that must be taken to realize these proposals are: (1) Abolish township government within the city; (2) reduce the number of elective officials and appropriately consolidate city departments, of which, it is pointed out, there are more than there are in the government of the United States; (3) co-ordinate and simplify the county government; (4) unify the operation and management of the city's park facilities.

The little pamphlet contains in addition valuable statistical matter relative to the expense of maintaining this multiplicity of elective officials and of local governments, part of this matter being conveniently summarized in the appendix.

Russel M. Story.

University of Illinois.

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Milwaukee Reports.—*City of Milwaukee, Wisconsin, Budget.* 1913.

Eighteenth Annual Report of the Board of City Service Commissioners of the City of Milwaukee. January 1, 1913.

Standardization of Salaries of the City of Milwaukee. Report of the Bureau of Municipal Research, November 4, 1913.

A Report on a Preliminary Survey of Certain Departments of the City of Milwaukee. New York Bureau of Municipal Research, April, 1913.

These several reports serve to illustrate the effort in different directions to secure increased efficiency of municipal administration in Milwaukee. The budget is the report of the committee on finance to the common council, in a pamphlet of twelve pages, in nine sections dealing with personal service, material supplies and equipment, new equipment, general funds, contingent fund, interest, redemption and payments, special funds, proposed bond issues, and proposed mortgage certificates. Under each section are shown the amounts for each department or office, in some cases with further sub-divisions; but the budget as a whole is much less detailed than in some cities where budget procedure is more highly developed. The classification scheme also fails to bring together the total expenditure for each department or office.

Less than a page of the report of the city service commission is taken up by the report proper; and the principal statement is that "the board has performed its duties with strictest impartiality," and that appointing officers had always explained to the satisfaction of the board that failure to comply with the rules was unintentional. The volume includes a copy of the city service act, the rules of the board, and statistical data from the Chief Examiners.

Of more value is the report on standardization of salaries. Following a detailed study of the departmental organization, including salaries and duties performed, a new classification of positions has been recommended by the bureau of municipal research and adopted by the city service board. A summary of the salary schedule recommended, in comparison with the former conditions and requests by the departments shows:

Former conditions, 1,944 positions, $2,171,912.

Requested, 2,108 positions, $2,495,120.

Recommended, 2,100 positions, $2,387,580.

An increase of 161 positions was recommended, and a decrease of 5,—92 of the new positions being in the police and fire departments. Increased salaries were recommended for 1,127 positions and decreases for 52 positions.

The preliminary survey of the New York bureau of municipal research covers most of the city departments briefly, and makes 132 suggestions not requiring ordinances or charter changes and 64 suggestions requiring ordinances or charter revision.

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State Reports on Municipal Finances.—*Fifth Annual Report on the Statistics of Municipal Finances*, Massachusetts Bureau of Statistics. 1913.

Second Annual Report of the Department of Inspection and Supervision of Public Offices of Indiana. 1913.

In the latest report of the Massachusetts bureau of statistics on the finances of cities and towns, there is no important change to note in the character or form of the data presented. These are given in accordance with the general schedule which gives a condensed analysis of the principal sources of revenue and purposes of expenditure. The fifth report appeared within eight months of the preceding report, which indicates progress in issuing the reports closer to the period covered; but as the fifth report presents data for the year 1910, there is room for further improvement in this direction. In the introduction, Mr. Gettemy discusses the progress in accounting reform, the certification of town notes and legislation of 1911 on municipal indebtedness.

The second annual report on municipal finances of Indiana includes statistics for 1909, 1910 and 1911, for counties, cities, townships and school cities and townships. But for the larger districts (counties and cities) the only data presented is as to indebtedness and total receipts and disbursements. The larger part of the volume shows statistics of receipts and disbursements for school and civil townships in some detail, based on the uniform system of accounting introduced in these townships. The uniform accounting system has not been extended as yet to counties and towns. As a result the value of the Indiana report to the student of municipal government is much less than that of Massachusetts.

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The Boston Finance Commission.[1]—The fifth annual report of the Boston finance commission is devoted to a review of that city's government under the charter amendments which became effective in February, 1910. The charter amendments were drafted as one of the early undertakings of the first commission and sufficient time has since elapsed to enable a fair retrospection of results achieved.

The present report points out some of the abuses which are possible under the new method of filing petitions for elective officers, and points out the corrective measures which should be written into the law. It also discusses the provisions relating to the recall of the mayor. Throughout the report there is a marked spirit of criticism of the last mayor. Special attention is devoted to the matter of contract awards and the failure of the mayor to give proper consideration to scientific methods of making the annual budget. Attention is called to the fact that the number of persons on the city's payrolls has increased during the last four years from 12,645 to 13,820. An attempt is made to demonstrate how the tax rate might have been kept down. Credit is given for having checked the increase in the city's indebtedness.

Commenting on the consolidation of the street, water and engineering departments, the report says: "If there had been a genuine consolidation and if business methods had been strictly applied and superfluous and inefficient employees had been eliminated, at least $1,000,000 a year could have been saved." The commission also claims credit in the report for a saving of from $400,000 to $500,000 by rendering expert assistance on the specifications for the new city hall annex. The total cost of the commission during the five-year period of its life is set forth approximately as $134,342.

Herbert R. Sands.

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Financial Statistics of Cities Having a Population of over 30,000.[2]—The latest report of the federal census bureau relating to financial statistics of cities is the tenth annual report of the series and it strikes us as being the best. Like most of the preceding ones it pertains only to cities having a population (in 1911) of over 30,000 but it is a veritable gold mine of information for all who seek data of this character. The bureau has wisely set forth in the introduction a full discussion of the difficulties encountered in gathering and compiling such data because only by emphasizing the existing difficulties and untoward conditions can cities be prevailed upon to correct them. Added value is given to the report by including in it the very comprehensive discussion of accounting terminology published in earlier reports, but now revised and brought up to date. In this respect the report may be considered an addition to existing text-books on such matters.

Aside from the wealth of statistical tables and graphic charts contained in the report some of the most impressive facts are the following:

1. 30.4 per cent of the entire population of continental United States in 1911 resided in the 193 cities having a population of over 30,000.

2. The statistics for only 146 of the 193 cities are comparable for the entire ten-year period, but the costs of these 146 cities during that period were exceeded by the net governmental costs of the national government (by which is meant costs exclusive of pensions) by only 3.5 per cent. Moreover, during the last two years of the period the costs of the 146 cities were the larger by 2 and 7 per cent respectively than those of the national government.

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[1] Fifth Annual Report, January 21, 1914.

[2] A Special Report by the United States Census Bureau Relating to the Year 1911.

3. During the ten years from 1902 to 1911, the city of New York alone expended for outlay (capital expenditures) 9.1 per cent more than was expended by the national government for the Panama Canal, public buildings, forts and fortifications, and river and harbor improvements.

4. While the net indebtedness of the national government per capita decreased during the last ten years from $12.24 to $10.83, the net indebtedness per capita of the 146 cities, which are comparable, increased from $44.19 to $76.31, the increase of New York City being from $76.45 to $145.92.

A bulletin containing in abridged form the financial statistics of cities for 1912 has been issued by the census bureau. This follows the suggestion made in this Review last year for a summary statement showing the principal data for each city on two pages. This abridged report appearing soon after the detailed report for 1911 makes the data available much sooner than before.

H. R. S.

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German Cities. *Monographien deutscher Städte—Neukölln Magdeburg, Darmstadt.* Verlag der Zeitschrift für Kommunalwirtschaft und Koomunalpolitik. Oldenburg, i. Gr. 1912.

Public spirited municipalities in the United States will find stimulus in the example of the German cities as set forth in the present series of monographs. In fact there seem to be few interests of the community at large which the German local government is not willing to promote. A good example of the activity of German cities is to be found in Neukölln where a municipal legal bureau has been established for the assistance of those who are unable to pay for the services of counsel. So in Darmstadt, we find that a very active interest is taken by the municipality in the artistic development of the city, and in Magdeburg large works of urban expansion have been successfully undertaken.

It is probable that the early introduction of municipal ownership of public utilities has paved the way for this extension of public functions and the central administration in the majority of the German states has encouraged the cities by judicious legislation. The general body of laws known as the city expansion laws have enabled the cities to engage in land enterprises of considerable importance and in most cases to their material advantage.

One feature of city growth in Germany which is worth noting is the very appreciable increase in the burden of taxation. Thus Magdeburg shows an average annual increase of 10 per cent since the year 1908, a fact which naturally causes one to ask if after all these extensive improvements are not being made at the expense of the citizens' private welfare. Moreover, the fact that in none of the present monographs has the housing question been adequately discussed would seem to indicate that this is a side of German municipal growth which deserves particular attention, especially since it is a point upon which the expansionist is usually inclined to be silent.

Julius Goebel.

University of Illinois.

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Housing and Town Planning.—*The American Academy of Political and Social Science*, special volume on "Housing and Town Planning," January, 1914.

This is a comprehensive and useful collection of papers arranged and edited by Carol Aronovici, general secretary of the suburban planning association of Philadelphia. The first two articles are introductory, one by Dr. Aronovici himself on "Housing and the housing problem," and the other, "A brief history of the housing movement in America," by the veteran housing reformer, Robert W. de Forest, the first tenement house commissioner of New York City. Following these are some twenty-five papers treating of new and old houses in their different aspects, and with town planning in its relation to housing. Besides these there are nine articles on subjects of a general character.

This volume is especially interesting because it brings out clearly the sharp difference which exists between two schools of housing reformers now in the field. One of these emphasizes reform through legislation, and the great progress that has been made in New York City under the tenement house act of 1901 makes this reliance upon legislation seem reasonable. In the thirteen years since this law has been in operation 9,000 school sinks or privy vaults have been reduced to 375, over 270,000 dark rooms have been abolished or the lighting improved, and a thousand million dollars' worth of new tenements have been built, accommodating more than a million and a quarter of people, in which not a single life has been lost by fire. The other school of reformers holds that a broader social and economic policy which recognizes the relation between housing and transportation, revised methods of taxation, and organized effort to improve standards of living will accomplish much more than regulative legislation. Probably, however, as Dr. Delos F. Wilcox points out in his article on taxation of real estate values and its effect on housing, there is reason in both views. A change in the incidence of taxation would no doubt stimulate building, but without strict governmental regulation it is likely that little attention would be paid to the standard minima of good housing.

Three particularly valuable papers are "the old house as a social problem," by Miss Chadsey, chief sanitary inspector of the Cleveland, Ohio, health department, "the problem of the old city house," by John Ihlder, field secretary of the national housing association, and "some effects of housing regulation," by Commissioner John J. Murphy of the New York tenement house department. The old house is the most difficult problem which the housing reformer has to solve. It threatens health and morals, destroys the self-respect of tenants and drags them down into the mire of poverty. Miss Chadsey and Mr. Ihlder think it should be scrapped, like an old piece of machinery which has outlived its usefulness. This is drastic, but public opinion is moving rapidly and the day is not far distant when such a disposition will be generally approved. "The old house, like the old sinner, should be dealt with less charitably than the new."

The section devoted to town planning contains much timely material. Frederick Law Olmstead's article on the "town planning movement in America" is a condensed yet sufficiently detailed account of the rise and growth of interest in town planning in this country. The laying out of streets, the disposal of waste, surburban development, the financing of city plans, together with several other equally pertinent topics, all by well known names, receive adequate attention. One of the most valuable papers of all is by John Nolen on "a town planning library." Instead of giving a long and inclusive list of titles he has made a discriminating selection, grouped under appropriate heads, sufficiently limited to bring it within the reach of the ordinary town library yet quite large enough for the general reader.

Besides the articles already named the book contains: "the relation of land values and town planning," by Raymond Unwin; "the religious value of proper housing," by William B. Patterson; "can land be overloaded," by Benjamin C. Marsh; "congestion and rents," by Bernard J. Newman; "housing reform through legislation," by Lawrence Veiller; "wherein direct housing legislation fails," by Edward T. Hartman; "rural housing," by Elmer S. Forbes; "copartnership for housing in America," by Arthur Coleman Comey; "relation between transit and housing," by John P. Fox; "the interrelation of housing and city planning," by Andrew Wright Crawford; "the street layout," by B. Antrim Haldeman; "the sociology of a street layout," by Charles Mulford Robinson; "subterranean street planning," by George S. Webster; "a city plan for waste disposal," by George A. Soper; "financing a city plan," by Nelson P. Lewis.

An excellent index adds greatly to the usefulness of the volume.

Elmer S. Forbes.

Boston.

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An Atlanta Survey.—*A Survey of the Public Health Situation, Atlanta, Georgia.*—A Report to the Atlanta Chamber of Commerce Committee on Social Survey. By Franz Schneider, Jr., Sanitarium. New York: Russell Sage Foundation. Paper, 6 x 9 inches, pp. 22.

In small space and readable style Mr. Schneider reviews the municipal cleansing and the health-protective activities of Atlanta, points out their weak spots and recommends measures of reform and amplification. In his opinion the board of health of ten members should be abolished or at least replaced by a health council having only legislative and advisory functions. The powers of the health officer should be correspondingly increased. Such cleansing operations as the collection and disposal of garbage, ashes, night soil and street dirt and the flushing of sewers should be transferred to other city departments, as also plumbing inspection. Divisions of infant hygiene and tuberculosis should be established; the work for the control of communicable diseases generally should be enlarged, and negroes, now neglected, be brought within its scope; milk inspection and analysis should be increased; the reporting of venereal diseases should be made compulsory, and free laboratory diagnosis and free treatment of these diseases for the indigent offered; and the appropriations for strictly health-protective work be increased and the salary of the health officer raised.

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Philadelphia Municipal Charities.—In Philadelphia as a result of a widespread conviction that the development of the city's charitable institutions was being handled in a fragmentary fashion, a committee of one hundred citizens was formed, with Dr. Charles H. Frazier as chairman, to investigate the various phases of the complicated and extensive problem, and to make recommendations to the city government for improving its work in municipal charities. The committee rendered a report sometime ago, in which it set forth that the difficulties in caring for the city's dependents were due to:

1. Confusion and lack of unity in the charitable work of the city because of the existence of the independent poor districts of Oxford, Lower Dublin, Germantown and Roxborough.

2. Lack of differentiation between the respective functions of the city, state and private charities.

3. No complete directory of the charities of the city.

4. Failure of the state to meet its responsibilities for the care of the insane, feeble-minded and certain other classes of dependents, thereby imposing an undue burden on the city.

5. Neglect of municipal, as well as state charities, because of the large amount of state funds which have been appropriated each year to certain local and private charities.

6. Lack of effective co-ordination among the private charitable societies and agencies, although a beginning has been made in this direction.

In its recommendations for betterment of conditions, the committee proposed as a program:

1. The establishment of a central application office for the bureau of charities at a place most convenient at the present time; and the organization, in connection with this central application office, of a bureau of investigation and social service, with a proper staff to investigate all applications, to secure support from relatives, to make use of private charitable agencies, and in other ways promote the welfare of the beneficiaries of the department.

2. The establishment in the department of health and charities of a separate bureau of hospitals, to have charge of all hospitals managed by the department.

3. A revised classification both of institutions and of beneficiaries in institutions of the department, so as to recognize in the city's charitable administration at

least the following classes of beneficiaries: aged and infirm (non-able-bodied); vagrants (able-bodied); inebriates; feeble-minded; blind; epileptic; insane (with classifications); tuberculous (incipient, intermediate, advanced); hospital cases (with sub-classifications of acute and chronic, medical and surgical, etc.); dependent children; and crippled children.

4. That the city withdraw as soon as possible from the care of such of the above classes of dependents as the state properly should provide for, namely insane, feeble-minded adults, epileptics, inebriates, and possibly dependent children.

5. That the city's ultimate plan for its charitable organization include the following: an application, investigation and admission office, with adequate staff for investigation and social service work; a modern general hospital at Blockley, including psychiatric wards and wards for acute alcoholic and advanced tuberculosis patients; a city infirmary with separate divisions for men and women, and cottages for aged couples; a joint arrangement between the departments of health and charities and public safety for a more effective and uniform system of commitment for vagrants and inebriates, with one or more farm colonies for these classes; a hospital of at least 500 beds for advanced cases of tuberculosis in addition to such beds as may be provided in the general hospital; and such additional hospitals, institutions and agencies as experience shall show to be needed in order to provide in a modern and effective way for dependents who are a proper charge upon the city.

Murray Gross.

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Report of the Royal Commission on Municipal Government. Victoria, B. C. 1913.

The British Columbia Royal commission, appointed in August, 1912, held meetings at seventeen places in British Columbia during the following four months, and submitted its report in December of the same year. The report is adverse to adopting the commission form of municipal government; and recommends a law authorizing the establishment of boards of control in municipalities of over 15,000, to take over executive duties, as in Montreal, Ottawa, Toronto, Winnipeg and other Canadian cities. There is also recommended a municipal department in the provincial government, with inspectors to examine the accounts of municipalities.

JUDICIAL DECISIONS

What Is a Nuisance?—The question of what constitutes a nuisance was before the Illinois supreme court in *City of Bushnell* vs. *C., B. &. Q. R. R. Co.*[1] The city passed and attempted to enforce an ordinance declaring the maintenance or operation of any railroad sidings or switch tracks for switching, loading and general yardage purposes a nuisance, and imposing a penalty for the maintenance thereof. The railway company, prior to the adoption of the ordinance, had established a freight house and yards for the convenient handling of its own and the public business. The court found that the yards and switches as established in the business district and as used did not in fact constitute a nuisance and that the city ordinance was, therefore, void and unenforcible.

Again in *People ex. rel. Friend* vs. *City of Chicago*,[2] the same court held an ordinance invalid which attempted to make it unlawful to locate or construct a retail store in any block used exclusively for residence purposes. The court could see nothing inherently dangerous to the health or safety of the public in the conduct of a retail store no matter where located, and based its decision on the ground that aesthetic considerations, which prompted the ordinance, are wholly unrelated to the public health, morals, comfort or general welfare.

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[1] 102 N. E. 785.

[2] 103 N. E. R. 609.

The Illinois court in these cases shows much less respect for the intelligence and good faith of the city's legislative body than is shown in some jurisdictions. It seemed greatly impressed with the fact that the alleged nuisance was established before the ordinance was passed.

The courts of California, in contrast, have repeatedly held that in the absence of any evidence of bad faith the definition by a city council of what constitutes a nuisance in its jurisdiction is entitled to great weight. That only in case of obvious abuse will its judgment be questioned.

A court which finds itself unable, to some extent, to keep pace with the progress of civilization and bases its reaction on a rigid view of constitutional provisions, is likely to be the cause of disrespect for that constitution as well as for the judiciary who so interpret it. Gentlemen who defy property rights in opposition to human rights even in such minor matters as aesthetics are gradually becoming rarer in this country and noticeably so as occupants of elective positions.[1]

⁂

Ice and the Pedestrian.—The liability of a city to respond in damages for injuries caused by ice and snow accumulated on the streets from natural causes was repudiated by the Michigan supreme court in *Mayo* vs. *City of Baraga.*[2]

From the standpoint of the municipality this is, of course, a fortunate doctrine. It is conceived, however, that it must be held within somewhat narrow limits. If the city negligently allows the accumulation to remain as a menace to pedestrians longer than necessary and particularly after it has notice of the danger it can hardly expect to be considered any less culpable than if it leaves an unguarded hole in a walk.

In *Varney* vs. *City of Covington*, the Kentucky court of appeals laid down the rule that the city will be liable for resulting injuries if it allows ice to accumulate in ridges or to form inequalities likely to trip pedestrians in any case where it has either actual or constructive notice of the obstruction.

⁂

Abolition of Office and Civil Service.—The attempt to use civil service regulations as a means of establishing a vested interest in a job is common enough. Restrictions on dismissal too often result in keeping unfits in office. One of the evils civil service is intended to reform is the creation of useless jobs and the continuing of others, after they become so, to take care of friends of the appointing power. We see the same evil, so far as the city is concerned, in the spectacle of the employee objecting to the abolition of his position and consequent separation of himself from the pay roll, when the position becomes unnecessary for the public service.

In *Harker* vs. *Mayor, etc., of Bayonne,*[3] the plaintiff, who was under the protection of a veteran act prohibiting discharge except for cause and after a hearing, was separated from the public service by the abolition of the office held by him.

The court found the abolition of the office to have been in good faith and for the betterment of the public service, and held that the object of the veteran act being to protect persons from removal without cause, it does not interfere with the power to abolish public offices for the public good.

⁂

The Duty of a Sewer.—The statutes of Maine provide that after a public drain has been constructed and a property holder has paid for connecting his property with it, it shall be constantly so maintained by the town as to afford sufficient flow for all "drainage entitled to pass through it." That, in case the town fails to provide such flow, any person entitled to drainage through it may have an action for such damages as he sustained by reason thereof. One Dyer, a citizen of South Portland, who had paid for connection with the system, brought an action against that city on account of damage done his property by surface water overflowing it, caused by the town's negligence in failing to keep catch basins open. The supreme judicial court of Maine,[1] drew a distinction between carrying off surface water and "drainage," holding the latter to be the sewage which the property owner is entitled to drain through the sewer, but that the surface water brought onto his property by the town's negligence cannot be so regarded and that the town is not liable in damages on account of it.

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[1] As Mr. Mahaffie states the provisions of the city ordinances (prohibiting the use of *any* switch tracks, or retail stores in *any* residence block), it seems to me the court would be fully justified in holding them invalid. In fact the ordinances were qualified, so that there is some basis for urging that they might be sustained; but the attitude of the Illinois Supreme Court on this matter agrees with that of most courts, and is *not* in conflict with the attitude of the California courts referred to in the note. Some of the opinions of the Illinois Supreme Court are deserving of criticism, but I think it weakens the case to use instances where the Court has substantial grounds for its ruling. J. A. F.

[2] 160 S. W. R. 173.

[3] 89 A. R. 53.

In other words, the town *is* liable for damage caused by failure to carry away sewage brought onto his property by the owner, but *is not* liable where the town negligently brought the sewage onto the property. Which seems curious, at least.

* * *

Municipality and Agent.—In dealings with a city the question as to what, if any, of its employees and officials can bind it by agreement or course of action is often important and perplexing. A sort of agency by estoppel is coming to be more and more recognized and cities are being considered and treated in their business transactions very much as private parties or corporations.

In *Hetherington-Berner Company* vs. *City of Spokane*,[2] the Washington supreme court held the fact that the secretary of the board of public works of the city had been the spokesman of that body in its dealings with a contractor, and had represented the city in all its dealings with the company in regard to the contract, was evidence of his power to bind the city.

That the contractor was entitled to rely on the truth of the representations made by him as to when the city would start work on a foundation on which the contractor was to erect a superstructure.

The court further held that the city having allowed the secretary to conduct all negotiations with the contractor in regard to the subject-matter of the contract, it could not afterward repudiate his acts even on a showing that he had exceeded his authority. This reasoning could of course only apply in the absencn of fraud or collusion between the ageet and the contractor.

* * *

Contribution by Receivers.—Judge Hook, of the United States circuit bench, was confronted with a somewhat peculiar situation when a request was made that he authorize a contribution by the receivers of the Metropolitan street railway company to help defray the expense of bringing a convention to Kansas City.

The authority of the receivers to contribute from the trust fund in their custody was questioned. The court drew a distinction between those cases in which an official elected by the members of a corporation, or even an officer elected by the people, is given a certain narrow discretion in the way of contributing of the funds in his care to charitable and benevolent purposes and that of a receiver administering a trust fund, and declared that the latter is to be held strictly accountable and has no such liberty. In this instance, however, in view of the fact that as a business proposition the railway company would profit largely by having the convention in the city and that the money could be considered as paid out on a business basis, the court somewhat hesitatingly authorized the contribution.

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Filing Claims For Damages.—By statutory provision in Washington all claims for damages against cities of the second, third or fourth class must be presented and filed within thirty days after the accrual of the claim.

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[1] 88 A. R. 398.

[2] 135 P. R. 484.

In *Ransom* vs. *City of South Bend*,[1] the supreme court of that state had to pass on a case in which plaintiff had been injured by an obstruction in the streets, in such a way that she was confined to her bed for several months, and incapacitated from filing her claim for seventy-three days after the injury complained of. The court held that such incapacity to file the claim did not excuse and that the provision prescribing the time for filing is to be strictly construed.

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Street Signs.—The city of Wallace, Idaho, permitted the northern express company to suspend a sign so low over the sidewalk that the plaintiff in *Baillie* vs. *City of Wallace*,[2] was injured in walking under it. The court found the city liable for the injury and based the liability on its duty to keep the streets under its jurisdiction in a reasonably safe condition for use by travelers in the usual mode of travel. It held that the rule as to liability extends not only to the surface of the street or walk but also to structures over them.

The court further found that while the city is liable in the first instance for permitting private parties negligently to place signs over the walk or street, the person or corporation who places such obstructions is liable to the city for any damages it has to pay by reason of such unlawful act. Which, of course, affords some comfort to the negligent municipality.

⁂

Contractor and City Officials.—In *O'Neill* vs. *City of Auburn*,[3] the plaintiff sought to prevent payment by a town on a contract on the ground that cement used in the work was purchased from corporations in which the mayor and a councilman were interested. This, under a statutory provision providing that no officer of a town shall be interested directly or indirectly in doing any work or furnishing any supplies for the town, and any claim for compensation for work done or supplies furnished in which he is interested, shall be void.

The court found that at the time the contract was entered into no interest in fact existed. That the purchase from the corporations in question was made later and was not in contemplation at the date of the contract. And that the further circumstance of the corporations' being paid cash and not taking bonds or warrants for supplies removed any possible element of interest in the contract. That the corporations in which the officials held stock could not be deemed barred from ordinary commercial dealings with the contractor, entered into entirely after the letting of the contract.

CHARLES D. MAHAFFIE.[4]

BOOK REVIEWS

UNPOPULAR GOVERNMENT IN THE UNITED STATES. By Albert M. Kales. Chicago: University of Chicago Press.

This little volume is a very well connected argument for the short ballot principle and a large part of it is a very careful and logical demonstration of arguments which have already been used more or less fully by the Short Ballot Organization. As a connected argument moving surefootedly from premises to conclusions, it is an excellent piece of close reasoning. In fact, it might be described as the application of a conservative legal mind to the whole short ballot doctrine.

Evidence is drawn principally from the writer's own home in Illinois, which is in ten overlapping districts and where the author votes a ballot of thirty-four offices.

A useful contribution to the literature

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[1] 136 P. R. 365.

[2] 135 P. R. 850.

[3] 135 P. R. 1000.

[4] Of the Portland, Oregon, Bar.

on the subject is the new word "politocrat" which Mr. Kales has coined, and of which he makes such free use as to justify its coinage on the ground of sheer convenience. Although he abstains from defining "politocrats" or "politocracy," it is plain that the politocrat is a member of that ruling class in this country which we loosely describe as "the politicians."

Politocracy replaces the phrase "government by politicians," or "machine rule."

The study of politocracy leads Mr. Kales to a close analysis of government as he finds it in Illinois, and to the various efforts such as direct primaries, the Massachusetts ballot, the recall, initiative and referendum and independent political organizations which have been devised to destroy politocracy. He proves very clearly and simply the insufficiency of such devices and ends with an analysis of commission government and the short ballot as the real answer.

In the concluding chapters Mr. Kales undertakes constructive work, and this section of the book, like all constructive proposals in political science, is open to attack from many sides. His constructive plans for state government are not altogether consistent with his own statement of the sound underlying theories, and his proposal for a second chamber in the state legislature to represent property, is reactionary. The reader gets the impression that the author was a little afraid to accept his own logic and, after proving his thesis, was afraid to act on it. He accepts the wieldy district idea for example, and yet, in his constructive proposal he provides for the governor and a chief judge, who is to appoint other judges, elected at large. In general, the author relies on careful logic rather than on collections of evidence and the book lacks the picturesque illustration which might help to make it popular reading. Serious minded students of political science, nevertheless, will find it in some ways the most satisfactory contribution that has yet been made to the literature of the short ballot movement.

Richard S. Childs.

New York.

Religion in Social Action. By Graham Taylor, D. D. New York: Dodd, Mead and Company. $1.25.

The early chapters of Professor Taylor's new book deal with the religious and theological bases of social effort. For the readers of the National Municipal Review chief interest centers in the chapters dealing with the relation of the Church to the community and to industry.

Professor Taylor sees in the family the norm of social groups and groupings. To this norm the Church and the community, if they are to be true to themselves, must conform. In order, however, that they may both develop properly, as they should, on the basis of this family or home ideal, co-operation between the Church and the community is indispensable.

> The character of a town will be judged not only by the personal virtues of its people, but by their standards of its public life and social conditions for which they are responsible. The efficiency of the Church will be tested by the extent to which social conditions and town government make it easier to be good and harder to be bad. The claim of being a community of Christians will not be conceded to those who do not constitute a Christian community.

In order that this co-operation between the Church and the community may be effective, attention must be given to the three-fold function of the Church in relation to the community: "to have and to give a formative ideal of what the community is to be and do; to initiate, inspire, and support movements and agencies for the realization of civic ideals; and to generate and apply the power of a self-sacrificing public spirit, which is the only force adequate to promote social progress."

Through the long course of Christian history, the city has been the ideal of which prophets and saints have dreamed. This ideal has been at times in the way of realization. The various theocratic experiments of Calvin, Cromwell, Knox, the Pilgrim Fathers, and others have been adumbrations of what is coming to be seen in this latter day as the proper relation between the city and the Church.

Christianity is coming down out of the clouds; the city is rising out of the slough. In their meeting will be found the possibility of a life which will conduce not only to the individual, but to the social, well-being—physical, mental and spiritual.

Not only, however, must the Church hold up before the community the vision of what the city ought to be; it must also lend its strength in aiding the realization of the vision. This does not mean that the churches are to duplicate the work of local social agencies—official and volunteer—nor even permanently to do any work needed to be done for the community which is not now being done. The function of the Church in the social field should be primarily that of the pioneer. The Church should point the way to the city, and then, as soon as the municipal government is ready to assume the new burden, should pass on to some other phase of social effort. The "institutional" church may, indeed, be a real means of civic service. The function of the Church in general, however, should be "more formatory than reformatory"; it should be preventive and constructive rather than merely curative.

But the final and most important function of the Church with reference to the community is to lay "the duty and privilege of self-sacrifice in public service upon every conscience and heart." To this end the various organized Christian bodies must give over their present petty rivalry and come together on a common platform of co-operative service. The work in this field of the New York Federation of Churches, the Christian League of Connecticut, and the interdenominational committee in the state of Maine, which is now attempting "to act as a final court in preserving comity and promoting co-operation," is particularly commended. The churches, in Dr. Huntington's phrase, which Professor Taylor quotes, are not to be "models under glass cases," but are to be powerful engines for generating the spirit necessary to accomplish any deep and far-reaching social reform. In other words,

> The final test of the capacity and right of the churches to fulfil their high function in the community is not the attitude of the people toward the Church, but the willingness and capacity of the Church to serve the real interest of all the people. The country, town or city church which thus serves its community the most will serve itself the best, and, within the bounds of its legitimate function, will be a source and center from which will proceed ideal, initiative, and power to the people.

In his treatment of industry the author stresses the mediatorial function of the Church, whose duty it must be to bear impartial testimony rather than to side with either of the contending parties. In view of present conditions which more and more enforce the fundamental need of justice in our economic relations, this section of Professor Taylor's book may seem somewhat too conservative. In the effort to show impartiality as between employer and employee, the Church may fail to show due sympathy with the struggle of the wage-earning classes for human rights. It is this industrial crisis, even more than our modern municipal problem, which forms the challenge to the Church of our day.

The book is valuable as coming from one who is not only a recognized social leader, but who has had actual experience in the routine work of the Christian minister. Miss Addams' "Foreword" is a splendid interpretative summary of the whole movement of which Professor Taylor is an outstanding representative.

F. M. Crouch.[1]

New York.

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Social Forces, A Topical Outline with Bibliography, Madison, Wisconsin. Wisconsin Woman's Suffrage Association. Postage, Wisconsin: Mrs. A. S. Quackenbush. 15 cents.

At the last annual meeting of the Wisconsin Woman's Suffrage Association, a resolution was passed creating an education committee and designating its work as not so much for propaganda toward securing the ballot as for education in the duties and responsibilities of citizenship.

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[1] Secretary, Joint Commission on Social Service of the Episcopal Church.

The first effort of that committee has been the publication of a booklet intended as a preparation for citizenship and a guide for regular study in civics, for suffrage organizations, civic leagues and civics committees of women's clubs. Its proposal and outline for study are divided into three main sections:

First. A list of one-day programs on civic and social topics, accompanying which is an earnest recommendation that all clubs devote an increasingly large proportion of their meetings to topics of a civic nature. "Ancient pottery and the art of Greece," the committee says, "will always be available for study, but the progress of this decade can be studied contemporaneously, and the solution of its problems furthered only during this decade."

Second. An outline of some seventy or eighty topics, with numerous subtopics, arranged under ten general divisions, with bibliography of books, magazine articles and other material under each topic. It is designed that each topic occupy at least one club session and several of them should occupy from two to six sessions each.

Third. The introduction into the public schools of instruction and training in citizenship and morals, in which the recommendation is made that the women's clubs include a paper upon the subject in their programs for civics day and that school boards and school officials be urged to encourage the introduction of such studies in their schools.

The bibliography accompanying each one of the subjects considered in the booklet is complete and most helpful, with reference not only to books and publications but to magazine articles.

Because of the care taken in the preparation of the bibliographics, this booklet is one that will prove helpful to students of civics and active civic workers in large cities or small communities.

In connection with the bibliography are lists of the existing national organizations, to which application may be made for assistance in the preparation of civic programs and for definite directions in undertaking various activities.

Richard B. Watrous.

Washington, D. C.

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A New Citizenship. By Wilson L. Gill. American Patriotic League; Mt. Airy, Philadelphia. $1; postage 10 cents.

This book is intended to support the thesis that citizenship is an art and, as such, can be successfully taught only by practice. The author believes that citizenship is more significant than civics; that civics without citizenship is worse than useless because it fixes upon the individual the vicious habit of indulging in thought which is not put into action.

The book is the outcome of several years experience and experiment with the "school city" or "school republic" as an instrument of moral training through self government. This experience has convinced the author that there is an intimate and inevitable connection between boss government in the school and boss government outside the school; that efficient citizens of a democracy can be trained only by catching them young and giving them a real introduction to the spirit of democracy; that it is easier and more profitable to make efficient citizens from the beginning than later on to make over citizens who have gone wrong, partly at least because they have never looked genuine democracy squarely in the face.

The author very properly emphasizes the fact that no school republic or other "system" for training children in social standards can be expected to "work itself"; that intelligent, social-minded leadership is just as essential here as in any other field of education. On the other hand he apparently does not fully appreciate the fact that democracy, like Christianity, has never yet really been tried; that teachers, like the rest of humanity, are entangled in the meshes of convention and conservatism; and that, even where opportunity is most free, it is hard to find a teacher who will recognize and make use of normal social situations as the only possible means of cultivating social intelligence and power among children. The author, in fact, explicitly states (p. 58) that failure to put into practical effect the principles of the school republic is simply evidence that a teacher has not used "the small amount of intelligence and interest necessary to carry the message to his pupils, day by day."

The underrating of the difficulty of bringing the rank and file of teachers up to the level of democracy in education probably explains the inadequate attention to the details of management as distinguished from the underlying theory of moral training through practice. Many leaders of children who will accept willingly the excellent point of view presented in the book will regret that there are not more specific suggestions as to how children may participate actively and helpfully in the normal community life of the school.

The book will be helpful to teachers who are trying to find a way out of school formalism into a freer, more spontaneous and democratic atmosphere. The central idea of the book must be expanded and applied to the entire circle of school interests and activities, however, if the school is to become a genuinely social institution in which social intelligence, social appreciation, and social power shall determine, at every step, the aims, motives, organization, choice of materials, and methods of instruction.

Jesse D. Burks.[1]

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Preparing for Citizenship. By William Backus Guitteau, Ph.D. New York: Houghton Mifflin Company.

This little volume is designed as a textbook in civics for the elementary schools. The author states that an attempt has been made to emphasize governmental activities rather than structural forms, and "the ethical side of civics" rather than the "mere teaching of facts." He thus follows the plan most approved by competent teachers of the subject. In the table of contents three main divisions of the text are given, viz., government and the citizen, state and local government and national government. These captions are misleading. The book really divides itself into two parts. The first part, covering roughly about half the volume, relates to functions of government, such as the protection of the public, education, charities, etc. Here the treatment is topical with no serious attempt to differentiate between the working of various units of government. The second part is largely a description of governmental machinery beginning with the local unit and continuing to the state and national governments in order. With this arrangement the attention of the pupil is first directed to those aspects of government most intimately connected with his daily life, after which he is gradually taught to associate these activities with the organs to which they belong.

The style of the book is well adapted to its purpose. There are over fifty splendid illustrations and maps. Appended to each chapter is a set of suggestive questions, some of which perhaps involve matters rather complex for the young mind. The appendix contains a copy of the federal constitution, some election and population statistics and a list of references. In the hands of a competent teacher the book should prove to be a valuable text.

C. O. Gardner.

University of Cincinnati.

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Health and the School. A Round Table. By Frances Williston Burks and Jesse D. Burks. New York: D. Appleton & Company. $1.50.

"This book sets forth the health problems which must be met in every school and family, and furnishes a working program for parents, teachers, school boards and boards of health." The book is so described by the authors themselves in the preface. Dr. Frank M. McMurry of Teachers College, New York City, has written an introduction in which he says: "In consequence of the striking advances in this field, there is pressing need of literature that summarizes both the theory and practice at present accepted, and in a style making the facts thoroughly clear and interesting to the ordinary reader."

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[1] Director, Bureau of Municipal Research of Philadelphia.

"The present volume helps to meet this need in a most effective way. It accomplishes three things: From widely scattered sources it brings together the theoretical facts pertaining to health, that seem well established and that are most valuable; it suggests how these facts have been applied, and, to some extent, shows the extent of that application up to the present time; and it presents all this matter in a surprisingly simple and attractive manner."

Part I deals with "the breakdown of the school in its health program"; Part II, with "the opportunity of the school for promoting health"; Part III gives "a program of child hygiene"; and Part IV offers a forecast on the subject of "socialized health."

The method of presenting the materials and arguments of the book is novel and effective, consisting of what purports to be a series of round table discussions in a small club. The persons made to talk in the discussion are the superintendent of schools, "a model of progressive efficiency"; a member of the school board, "unenlightened, but eager to learn"; "a self-made business man, satisfied with his work and with society"; the wife of said business man, "an awakening woman, whose husband's money has given her leisure to look around"; "a social worker," who commands "a following wherever she moves"; "a physician new in the town," whose "new-fangled methods and notable successes" are viewed with jealous alarm by older practitioners.

This method of dealing with the subject makes it possible to raise every conceivable objection and to reply directly and convincingly. The book is dedicated to "America's Mothers and Teachers," and ought to serve a most useful purpose with them both. It is illustrated with charts and photographs, contains an extensive summary of suggested reading on all topics discussed, and is carefully indexed.

Arthur W. Dunn.

New York City.

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School Janitors, Mothers and Health. By Helen C. Putnam, M. D. Easton, Pennsylvania: American Academy of Medicine Press. Cloth, 5 x 7 inches, pp. 201. $1.00.

The month-by-month letters which fill the greater part of this book were first published in 1909–12 in *Child-Welfare Magazine*. They deal with prevention of school fatigue, mother's clubs and clean schoolhouses, and school janitors and health. Aside from the author's effective style and unusual grouping of scientific facts relating to child hygiene in the school and home, the chief value of the book lies in its appeal to mothers and women's clubs to take a strong hand in securing better school sanitation and in its plea for trained instead of political school janitors. In their original form the letters must have done much good. This reprinting will prolong their usefulness, but while being put into book form the material might well have been recast and considerably condensed.

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Our Nation's Health Endangered by Poisonous Infection. By Julius Rosenstirn. San Francisco, California: Town Talk Press. 1913.

This is a frank and courageous description of the work done by the municipal clinic of San Francisco and a plea for it as means for the protection of the nation's health now, according to the author, endangered by poisonous infection through the social malady. Dr. Rosenstirn who is chief of staff and the attending surgeon at Mt. Zion Hospital, has also been chairman of the advisory committee on the municipal clinic which he believes to be of great value in protecting the health of the community. He describes the San Francisco clinic as a pioneer in its aim and system and he believes that it has been a truly successful effort toward the solution of the ever present problem of the social malady, prostitution, and toward minimizing its resulting injuries. Seldom does a physician of standing speak with the frankness of Dr. Rosenstirn and his brochure has this merit and that of thoroughness.

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Der Stadtebau—Nach der Ergebnessen der Algemeinen Stadtebau Ausstellung. Volume II. By Dr. Werner Hegemann. Berlin: Ernest Wasmuth, A. G. 1913. Price 18 M.

This is the second volume of a monumental work on city planning which deals not merely with principles and theories, but discusses the existing conditions and problems of the largest cities of Europe and America. All of the three volumes which, when completed, will constitute one consecutive unit, are based upon the material that constituted the Berlin and Duseldorf city planning exhibits.

The whole of Dr. Hegemann's work is intended both as an exposition of the history of city planning and as an interpretation of the most recent developments in community building. The city planning exhibits, which were organized under the supervision of the author, and which represented a vast amount of important material gathered from all parts of the world, is given permanency through this work. The main value of the book, however, is to be found in the impartial and critical interpretation of the various plans and their social, economic and esthetic significance. City planning exhibits are generally prepared for the purpose of educating public opinion and rendering possible the comparison of essentials. The subjects dealt with, however, are so complicated, so difficult for the ordinary public to understand and so subject to differences of opinion, that no exhibit renders full service to the community or to the world at large unless its various departments and individual charts and maps are weighed in the balance of expert knowledge and with a proper understanding of the local conditions which have called forth their creation. Dr. Hegemann has succeeded, in the volumes already published, in meeting this need.

Transit and means of intercommunication, community expansion, open spaces and the general plans contemplated or carried out in the larger cities are discussed clearly, concisely and with a wealth of statistical and historical information, combined with a knowledge of the factors that have determined certain developments. The colored maps and charts, as well as the half tone reproductions of photographs, make the volume almost indispensable as a reference book for the city planner, while the book-making art that is represented by this publication, is far in advance of anything that has ever been done either in this country or abroad, along this line.

Whether we agree or not with the various points of view that the author presents, it must be conceded that he has mastered his subject and that he has placed before us documentary evidence that has never been collected and organized before, and which serves to clear up many important points regarding the history and the application of the science of community building and the art of city planning.

Carol Aronovici.

Philadelphia, Pa.

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Municipal Year Book of the City of New York. 1913.

This brief and handy guide to the government and administration of New York was prepared under Mayor Gaynor, by his secretary, Robert Adamson, now fire commissioner. It is intended as a manual of information for citizens and not as an encyclopædia of law and statistics for official persons. The volume describes the organization of the legislative branch of the government, gives an outline of the organization of the several divisions of the city administration and the functions of each, and exhibits in a short form the leading elements in the collection and disbursement of municipal revenues. It is written in a simple and direct style, devoid of technicalities and adornments. In the method of presentation, the experienced hand of the journalist-author is everywhere apparent, and the reader accustomed to the arid and uninforming pages of official documents will be grateful for the change. Every city in the country should issue such a book, and teachers of civics in the public schools should thoroughly drill the pupils in the elements of their own municipal government. No formal civics published by private agencies can take the place of a carefully prepared and skillfully arranged public document such as Mr. Adamson has given us.

Charles A. Beard.

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DEPARTMENT OF REPORTS AND DOCUMENTS

BIBLIOGRAPHICAL[1]

MISS ADELAIDE R. HASSE, *Chief of the Division of Documents,*
New York Public Library

Associate Editor in Charge

PART ONE

SPECIAL BIBLIOGRAPHIES

Bibliographies Relating to Municipal Government[2]

BY JOSEPH WRIGHT

Librarian of the Bureau for Research in Municipal Government, Harvard University

General

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[1] By arrangement with the Chicago School of Civics and Philanthropy and the St. Louis Municipal Reference Branch of the Public Library, the libraries of those cities will hereafter coöperate in the compilation of the bibliography printed in the National Municipal Review. The task of assembling the Chicago material has been undertaken by Miss Renée B. Stern of the Chicago School of Civics and Philanthropy. Mr. A. L. Bostwick of the St. Louis Municipal Reference Branch will assemble the material for St. Louis. The symbols attached to titles in the bibliography indicate the libraries which have reported the receipt of the title.

Explanation of symbols

Cc, Chicago, City Club Library
Cj, Chicago, John Crerar Library
Cm, Chicago, Municipal Library
Cp, Chicago, Chicago Public Library
Cs, Chicago, Chicago School of Civics and Philanthropy
Np, New York City, New York Public Library
Sp, St. Louis, St. Louis Public Library

In this connection it may be well to state that it is not the intention to include titles of annual reports in the bibliography, except in special instances. An annual report issued for the first time will always be included; as well as one issued in a changed form. An annual report containing unusual features will also be noted.

[2] This Check List is in all probability far from complete. It has been compiled as the first step in the direction of placing at the disposal of libraries, students and readers, a full list of bibliographies on municipal government and allied subjects. In putting it together, two things have been kept in mind: first, to include (save for very special reasons) nothing that is more than ten years old; and, second, to include only those lists which are apt to be already accessible in larger libraries. An exception has been made in the case of typewritten lists prepared by the Library of Congress, which are not in circulation, but copies of which can usually be obtained on request. As the Harvard Bureau for Research in Municipal Government expects to publish, during the course of the present year, a comprehensive *Bibliography of Municipal Government,* any suggestions for additions to this preliminary Check List will be received with gratitude.

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The letter of transmittal is dated August 6, 1913. While even the latter date would make this a rather belated entry, it is thought best to put the issue on record even though it may be a trifle tardy.

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New York City. Text of proposed billboard ordinance. (City Record, New York City, February 13, 1914. p. 1449–50.) **Np; Sp.**

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Amarillo, Texas. Proposed charter to be voted on November 18, 1913. 24 p. **Cp.**

Adopted by a vote of 4 to 1.

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Issued by C. G. Hoag, sec'y of the League. Address, October to June, Tamworth, N. H. Copies of this tentative charter may be had for fifty cents. The League also supplies rules and ballots for those who want to conduct illustrative elections.

Civic League of Cleveland. The Municipal Bulletin. City charter number. December, 1913. 17 p. **Cc; Np.**

Cambridge, Mass. Charter Commission. Report of the Cambridge Charter Commission containing the draft of the proposed charter. December, 1913. 30 p. 8°. **Np.**

Detroit, Mich. Charter. Proposed charter of the City of Detroit, to be voted on at a special election, February 10, 1914. 4 p. l., 175 p. 8°. **Cm; Cp; Np; Sp.**

The charter was defeated. Out of a total vote of 41,197, 25,245 votes against the charter were cast.

James, Herman G. A model charter for Texas cities. February 10, 1914. 23 p. 8°. **Cp; Np; Sp.**

Bulletin of the University of Texas. Municipal Research series, no. 1. Dr. James is director of the Bureau of Municipal Research and Reference of the University.

Manistee, Mich. Text of proposed new charter for Manistee. To be submitted to voters on December 15, 1913. 3 leaves. f°. **Np.**

The charter was carried. The total number of votes cast was 1,533, 1,155 being in favor of the charter.

Civic Training

See also below under Police.

James, Herman G. Universities and good city government. December, 1913. (The Alcalde, vol. 2, no. 2, p. 158–163.) **Np.**

The Alcade is published eight times a year at Austin, Texas, by former students of the University of Texas. Dr. James pleads for systematic training of experts in municipal administration.

National Municipal League. [Bulletin] 3d series, no. 2–6. 1913–14. 24°. **Cp; Cs; Np.**

No. 2. Training for citizenship.
No. 3. Plans for the promotion of civic education.
No. 4. Measuring the value of civic training.
No. 5. How Georgia prepares her teachers to teach citizenship.
No. 6. The U. S. Bureau of Education interested in better training for citizenship.

City Planning

American Academy of Political and Social Science. Housing and town planning. 296 p. (Annals, vol. 51, whole no. 140, January, 1914.) **Cp, Cs; Np; Sp.**

Arnold, Bion Joseph. Report on the rearrangement and development of the steam railroad terminals of the City of Chicago. Submitted to the Citizens' terminal plan committee of Chicago. November 18, 1913. 3 p. l., 248 p., illus. 8°.

Brooklyn Daily Eagle. Brooklyn City Plan. The story of the Brooklyn Committee on City Plan, with maps embodying the details of architect Bennett's recommendations. January 18, 1914. 15 p. 4°. **Cc; Np.**

Chicago, Ill. Chicago Plan Commission. Analysis and digest of the reports of the executive officers and the architectural and engineering staff of the Chicago Plan Commission, of Mr. John F. Wallace and of Mr. Bion J. Arnold, to the Committee on Railway Terminals of the City Council of Chicago. November 25, 1913. 12 p. 4°. **Cc.**

——.——. Improvements which the officers of the Chicago Plan Commission urge for the freight terminal of the Pennsylvania railroad, based on the Wallace recommendations for a freight terminal south of Harrison St.; being a supplement to the recommendations for the west side terminal area submitted to the Committee on Railway Terminals of the City Council, November 28, 1913. December 4, 1913. 4 p. 4°. **Cp.**

——.——. Position of the officers of the Chicago Plan Commission on the pending ordinances of the Union Station Co. and the Pennsylvania Railroad, submitted to the Committee on Railway Terminals of the City Council on December 16, 1913. 14 p. 4°. **Cc; Cm.**

——.——. Recommendations for the West Side Terminal area which are fundamental in conserving the plan of Chicago; submitted to the Committee on Railway Terminals of the City Council, November 28, 1913. 18 p., maps, plans. 4°. **Cp.**

Citizens' Terminal Plan Committee, Chicago, Ill. Letter to the mayor and City Council of the City of Chicago. February 2, 1914. 5 p. 8°. **Cc; Cm.**

Comey, Arthur C. Town planning for Dover, N. J. Report to the mayor and Common Council. 1913. 34 p. 8°. **Cc.**

Davis, Henry E. The District of Columbia. A review of the course of Congress in creating and maintaining the capital city. December, 1913. 12 p. (U. S. 63 congress, 2 session, senate document 403.) **Cp; Np; Sp.**

Fisher, W. L. and Arnold, Bion J. Report to the Citizens' Terminal Plan Committee of Chicago. 1914. 16 p. **Cm; Cp; Cs.**

Hegemann, Werner. A city plan. Chapter I of a report to the City Council of Oakland, Cal., and the Oakland Commercial Club and to the City Council of Berkeley, Cal., and the City Club of Berkeley. (Berkeley Civic Bulletin, vol. 2, no. 6. January 15, 1914. p. 81–100.) **Cc; Np; Sp.**

Los Angeles, Calif. Municipal Annexation Commission. Report to the City Council November 11, 1913. Approved November 13, 1913. 8 p. **Np.**

Massachusetts. State Library. Selected titles on city planning for Massachusetts libraries. List submitted by A. C.

Comey of the Massachusetts Homestead Commission. November 8, 1913. 3 p. 4°. [Typewritten.] **Cp.**

Norfolk, Va. Commission on Beautifying the City. Second report, 1912–1913. 32 p. illus. 8°. **Np.**

Noted in default of the first report, copies of which are no longer obtainable.

St. Louis, Mo. City Plan Commission. River des Peres. Establishment of a sanitary district recommended by the City Plan Commission. January, 1914. 11 p. **Np; Sp.**

South Wales Garden Cities and Town-Planning Association. "Welsh Housing and Town Development." A statement and an appeal. December, 1913. 6 p. 8°. **Cc.**

Wallace, John F. Special report to the Committee on Railway Terminals of the City Council of Chicago. December 1, 1913. 38 p. 4°. **Cc.**

Civil Service

Catherwood, Robert. Draft of a model civil service law embodying the essential principles of a practical merit system of public employment. Chicago, 1913. 4°. 15 p. **Cs.**

Submitted December 1913.

Cincinnati, O. Civil Service Commission. Rules and regulations. Revised December, 1913. 21 leaves. 12°. **Cp; Np.**

——. ——. Statutes regulating the civil service of the state of Ohio. December, 1913. 40 p. 12°. **Np.**

Civil Service Chronicle, New York. Handbook of instruction for dockmasters; containing the official rules of the Dock department; 100 practice questions on duties; official instructions to dockmasters; answers to previous examination questions; specimen reports; districts of dockmasters; lists of piers and ferries; charter provisions relating to the Dock department, etc., etc. . . . [New York.] Civil service chronicle, ©1913. **Cj.**

Cover-title, 24 p. 1 illus. (port.) 25½ cm. $1.00.

Portland, Ore. [Civil Service Commission.] Civil service; charter provisions, rules and regulations of civil service. Adopted December 1, 1913. [1914?] 86 p. 16°. **Cp.**

Courts

American Judicature Society. Courts for smaller cities. Suggestions based upon an investigation of the administration of justice in the city of Grand Rapids, Michigan. 1914. 24 p. 4°. **Np.**

——. Suggested causes for dissatisfaction with the administration of justice in metropolitan districts. January, 1914. 30 p. 4°. **Np.**

Address: 29 South La Salle St., Chicago.

Harley, Herbert. The model municipal court. 11 p. 8°. **Np.**

Read at the annual meeting of the National Municipal League, Toronto, November 11–15, 1913.

Dance Halls

See Municipal Ownership.

Electoral Reform

Chicago Woman's City Club, Chicago, Ill. The woman voter and the primary vote. 1914. 14 p. **Cc; Cp; Cs.**

Address: 1406, 116 S. Michigan Avenue. Largely list of aldermanic candidates with recommendations of Municipal Voters' League, and Woman's City Club for the woman's primary vote.

Civic League of St. Louis. The short ballot the key to popular government. What it is. What it will do. How to get it in Missouri. 1914. 8 p. **Np.**

Greenacre, Alice. A Handbook for the women voters of Illinois. Edited by Sophonisba P. Breckinridge. 1913. 128 p. 8°. **Cc; Cj; Cm; Cp; Cs.**

Hull, Morton D. Non-partisan municipal elections and the abolition of the party circle; a doubt. 1914. 14 p. 16°. **Cp; Cs.**

Indiana Bureau of Legislative Information. Reading list on elimination of party politics from local elections. December, 1913. 3 p. 4°. **Cp.** Typewritten.

Vermont. Legislative Reference Bureau. Direct primaries. 1914. **Sp.**

Summary of state legislation. Arguments for and against direct primaries.

Excess Condemnation

See also below under Parks and Playgrounds.

City Club of New York. Vote yes on constitutional amendment no. 1, because it will make possible the abolition in New York City of the notorious "three commissioner" system of condemning private property for city purposes. 1913. 10 p. **Np.**

——. Vote yes on constitutional amendment no. 1. For reasons, read the story of the opening of Kenmare Street, New York City. 1913. 8 p. **Np.**

Government

Kansas City, Mo. Public Library. A reading list on commission government. November, 1913. 12 p. 16°. (Special library list no. 6.) **Cp; Np; Sp.**

Kinsloe, James R. Explanation of the commission-manager plan. 3,500 words. (Winona [Minn.] Republican-Herald, August 7, 1913.)

Upson, L. D. The city-manager plan of government for Dayton. 1913. 4 leaves. **Cm; Cp; Cs; Np; Sp.**

Reprinted from the National Municipal Review of October, 1913.

Housing

See also the contents given under City Club of Chicago under the general group, above; also under City Planning.

Cincinnati, O. Schmidlapp Bureau. Housing and standards of living. 1913. 13 p. 8°. **Cp; Cs.**

Civic League of St. Louis. Unregulated cheap lodging houses. December, 1913. 6 leaves, illus. **Cs; Np.**

Frankel, L. K. How insurance companies can help housing. Paper read before the First City and Town Planning Conference under the auspices of the Massachusetts Homestead Commission. Boston, November 19, 1913. 6 p. **Cp; Cs.**

Frothingham, Paul R. Co-partnership in housing. 27 p. (American Unitarian Association. Social Service Series. Bulletin no. 31.) **Cp; Cs; Np.**

Webber, Gustavus A. Report on housing and living conditions in the neglected sections of Richmond, Virginia. 1913. 80 p. illus. **Np; Sp.**

Mr. Webber is secretary of the Society for the Betterment of Housing and Living Conditions in Richmond. Address 603 Times-Dispatch Building, Richmond, Va.

Liquor Traffic

Manufacturers and Merchants Association of New Jersey. One twenty-two of them. 1913. 6 leaves. 24°. **Np.**

A pamphlet showing for 122 American cities the total arrests in each during 1912, the arrests for drunkenness, ratio of total arrests to population, ratio of drunkenness arrests to population and police expenses. Intended to disprove information published in the 1913 Yearbook of the Anti-Saloon League that police expenses are materially reduced in "dry" towns. Address: 776 Broad Street, Newark, N. J.

Lodging Houses

See Municipal Ownership.

Markets

Miller, Hon. Cyrus C. What the city can do to reduce the cost of living. Address delivered at Binghamton on June 6, 1913, before the Conference of Mayors and other city officials of the State of New York. 15 p. 8°. **Np.**

Municipal Ownership

Halstead, Albert. British municipal undertakings. Letter from the American consul at Birmingham, England, December 17, 1913. Ordered printed February 6, 1914. 23 p. (U. S. 63 congress, 2 session, House document 710.) **Cp; Np; Sp.**

Chicago, Ill. Municipal Reference Library. Report on municipal dance halls. February 25, 1914. 12 p. Typewritten. **Cm.**

Jamestown, N. Y. Special Milk Committee. Report to the council in favor of a municipal milk plant. December 8, 1913. **Np.**

Text seen only in the Jamestown Morning Post of December 9, 1913. On October 20, 1913, Mayor Carlson in a message to the Council advocated the establishment of a municipal milk plant at length. This message was printed in the Jamestown Morning Post of October 21, 1913.

St. Louis, Mo. An ordinance (27248) to establish a municipal lodging house in the city of St. Louis. Approved November 18, 1913. 2 p. 12°. Cp; Sp.

Music

Civic Music Association of Chicago. [Announcement of plans and aims of organization, 1913–1914.] 4 p. 4°. Cp; Cs.

Portland, Ore. Municipal Reference Library. Municipal music. December 11, 1913. 5 p. 4°. Typewritten. Cp.

"Mostly 1912 statistics, sometimes stated 1913 statistics," covering 17 cities.

Parks and Playgrounds

Berlew, Lavera. Recreation survey of Scranton conducted during July and August, 1913, for the Playground Association of Scranton, Pa. 21 p. 8°. Np.

Curtis, Henry S. The reorganized school playground. 28 p. 1913. (U. S. Bureau of Education. Bulletin no. 40, 1913.) Cc; Cp; Cs; Np; Sp.

City Parks Association of Philadelphia. 25th annual report, 1913. 93 p. illus. 8°. Np; Sp.

An important progress report on a great work of reconstruction now actually taking place in one of the large American cities. The unearned increment and excess condemnation principles are discussed from a practical standpoint.

Wacker, Charles H. Address of the chairman of the Chicago Plan Commission, in favor of the petition of the South Park Commissioners to the U. S. Government for permission to create a park along the lake front of Chicago between Grant Park and Jackson Park. November 20, 1913. 20 p. 40°. Cc; Cs; Np.

Submitted to the Secretary of War, U. S., at Washington, November 20, 1913. Reprint of the Lake Front improvement recommendation submitted by C. H. Wacker to the City Council of Chicago, in 1911, p. 13–20.

Police

Philadelphia, Pa. Training School for Police Service. First annual report, 1913. Np.

The report covers the period from the organization of the school on July 14, 1913, to the close of the year. The report has not yet been printed and exists in typewritten form only.

Port Development

City Club of Chicago. Chicago's harbor problem; discussion. December 16, 1913. (Bulletin. vol. 6, no. 15, p. 307–327.)

Peek, Ernest D. Duluth-Superior harbor. Statistical report of marine commerce of Duluth, Minn., and Superior, Wis., during season of 1913. With supplemental report of commerce of waterway across Kewanee Point, Mich. 22 p. Np.

Captain Peek, under whose direction the pamphlet was prepared, is of the Corps of Engineers, U. S. A.

Wellington, New Zealand. Wellington Harbour Board. Yearbook, 1913–14. Information relative to the port of Wellington, N. Z. 60 p. illus., 2 maps. 12°. Np.

Sent gratis on application.

Public Health

Fisher, Irving. The health of New Haven. November, 1913. 8 p. (Civic Federation of New Haven. Documents, No. 13.) Cm; Cp; Np; Sp.

New York City. Committee on Inquiry into the Departments of Health, Charities, and Bellevue and Allied Hospitals in the City of New York, appointed by the Board of Estimate and Apportionment. Investigation and report under the direction of Henry C. Wright. Section 2, 4–8. 1913. 4°. Np.

Sect. 2. Citizenship, residence, and dependence of public charges: 159 p., folding tables.

Sect. 4. Ratio of nurses to patients proposed for municipal hospitals. 8 p.

Sect. 5. Children's services in the municipal general hospitals in Manhattan and the Bronx. 23 p., 2 maps, folding tables.

Sect. 6. Physical examination and employment of dependents in city homes (almshouses). 36 p.

Sect. 7. Care of out-patients. 89 p.

Sect. 8–1. Hospital helpers. 33 p.

Public Utilities

Buck, Robert M. Analysis of the report of city electrician Ray Palmer to the City Council concerning electric street lighting rates to be paid by the city to the Sanitary District of Chicago. Transmitted to the Finance Committee of the City Council by Wallace G. Clark and George W. Paullin, members of the Board of Trustees of the Sanitary District of Chicago. December 3, 1913. 26 p. **Cc; Cm.**

Bureau of Public Service Economics, New York City. Municipal plant treatment. Financial relation between city and its public utility. Wisconsin commission defines principles. Sparta, Wis., water case. 2 leaves. **Np.**

Ten cents the copy. Address 17 E. 38th street, N. Y. City.

Chicago, Ill. "Chicago Surface Lines." An ordinance authorizing unified operation of the surface street railways in the City of Chicago and the operating agreement made a part of said ordinance passed by the City Council of the City of Chicago on November 13, 1913. 29 p. **Cc; Cm.**

——. Board of Supervising Engineers. Initial routes for surface line subways provided for in the 1907 traction ordinances, as recommended by the board October 29, 1913. January 15, 1914. 14 p., folding plates. **Cm.**

Great Britain. Foreign Office. Report on the supply of electricity in Germany by the chief works in which private concerns and public bodies are jointly interested. October, 1913. 28 p. (Diplomatic and Consular Reports. Miscellaneous Series. No. 685.) **Np.**

Los Angeles, Calif. Board of Public Utilities. Report no. 1. Valuation of street and interurban railway lines in the City of Los Angeles, Cal. Inventory and valuation of the Los Angeles Railway Corporation including the city railway. January 8, 1914. 32 p. **Cc; Cm; Np; Sp.**

Massachusetts. Annual address of Governor David I. Walsh to the two branches of the state legislature, January 8, 1914. **Np.**

On pages 47–48 of his annual address, Governor Walsh points out that under the law of Massachusetts no municipality of the commonwealth in which a gas or electric light company exists, can undertake either the electric light or gas business without expensive and protracted litigation. As the law reads a municipality has no option but to purchase the entire plant of a private company, both gas and electric light, even though the municipality wishes to enter only one class of the business. Governor Walsh says this legislation is peculiar to Massachusetts, no other state thus penalizing municipal ownership.

National Municipal League. Committee on Franchises. Report submitted at the Conference for Good City Government held at Toronto, November, 1913. 11 p. **Np.**

Newcomb, George Eddy. Subways in loop district are impracticable. January 31, 1914. 12 p. **Cc.**

Sullivan, Thomas, Ellicot, Edward B., and Adcock, Edmund D. A letter to the honorable chairman and members of the Finance Committee of the City Council of the City of Chicago concerning the proposed rate to be fixed for electricity furnished by the Sanitary District to the City of Chicago for its electric street lighting system. By Thomas M. Sullivan, trustee, Edmund B. Ellicott, electrical engineer, and Edward D. Adcock, attorney, committee appointed by the Engineering Committee of the Sanitary District to negotiate concerning the city contract with a similar committee appointed by the Finance Committee of the City Council. January 2, 1914. 11 p. **Cc.**

Appendix, Proceedings of Sanitary District, December 1, 1913, p. 1553–1602.

Schools

Evans, A. M. Vocational education in Wisconsin; articles prepared for the Chicago Record-Herald. 1913. 51 p. 12°. **Cp.; Cs.**

Published by the Commercial Club of Chicago.

Minneapolis, Minn. Teachers' Club. A vocational survey of Minneapolis. 1913. 90 p. 8°. **Cp; Cs.**

New York City. School Inquiry Committee. Final report of the Committee. 1913. 3 vols. 4°. **Np.**

Portland, Oregon. Report of the survey of the public school system of school district no. 1, Multnomah County, Oregon.

City of Portland. Report of the committee appointed at the Taxpayers' Meeting held on December 27, 1912. Submitted November 1, 1913. xx, 313 p. 8°. **Cm; Np.**

St. Louis. Municipal Reference Library. School boards: methods of choosing members, term of office, number and qualifications. November, 1913. 5 p. 4°. Typewritten. **Cp.**

Digest and tabulation from 11 cities, the result of a questionnaire.

Sobel, Jacob. Prejudices and Superstitions met with in medical school inspection. November, 1913. 13 (1) p.

New York City. Department of Health. Reprint series no. 13.

United States Bureau of Education. Legislative Circular. 1914. no. 1–2. January 30 and February 10, respectively.

A most useful publication, being an index of bills which in any way bear on education, currently introduced and the action on the same in the various states.

Sewage Disposal

New York State. Metropolitan Sewerage Commission. Preliminary reports on the disposal of New York's sewage. **Np.**

No. 8. Tidal currents in New York Harbor as shown by floats. October, 1913. 46 p. 4°.

No. 9. Rainfall and the relations between the volumes of domestic sewage, storm water and tidal water in New York Harbor. November, 1913. 21 p. 4°.

Smoke Abatement

Chicago, Ill. Department of Smoke Inspection. Notes on smoke abatement. January 1, 1914. Typewritten. 5 p. **Cm.**

Kimball, Herbert H. The meteorological aspect of the smoke problem. 1913. 51 p. (Mellon Institute of Industrial Research. Smoke Investigation Bulletin no. 5. University of Pittsburgh.) **Cm; Cp; Cs; Np; Sp.**

Salt Lake City, Utah. Commercial Club. Report of the special committee [appointed in 1913] to investigate the causes of the smoke nuisance in Salt Lake City. n. d. 3 p. Typewritten. **Cp.**

Under-Feed Stoker Co. of America. Smoke abatement. 62 (1) p. illus. booklet. obl. 12°. **Np.**

Social Betterment

Brooklyn, N. Y. Bureau of Charities. Department of Social Betterment. Directory of speakers on municipal problems. Suggesting a social program for Greater New York. 20 p. obl. 8°. **Np.**

Address 69 Schermerhorn street, Brooklyn, N. Y.

Charity Organization Society, New York City. Department for the Improvement of Social Conditions. Annual report. 1912–1913. 34 p. **Cm; Np.**

Chicago South Side Club. Survey of the conditions demoralizing to women and girls in the saloons of Chicago. 1914. 12 p. 24°. **Cp; Cs.**

Address: Philanthropy and reform department of the club, 731 Plymouth Ct., Chicago. Five cents per copy.

Cincinnati, O. Juvenile Protective Association. Recreation survey of Cincinnati. December 1, 1913. 48 p. **Cm; Cp; Cs.**

Citizens' Association of Chicago. Bulletin no. 30. On the suppression of dice games in Chicago. December 3, 1913. 4 p. **Cc.**

City Club of Chicago. Program of a competition with cash prizes for the procuring of a scheme of development for an educational, recreational, social and shopping center. February 11, 1914. 4 p. Typewritten. **Cp.**

Cleveland, O. Federation for Charity and Philanthropy. The social yearbook. The human problems and resources of Cleveland. December, 1913. 238 p.

Price 25 cents the copy. The Federation, a striking instance of co-operative benevolence, was established in 1913. This is its first yearbook. The first part of the book is made up of a series of articles on a program for making Cleveland the first city in good will, viz., on Dependency and Delinquency, Housing Reform in Cleveland, Play and Recreation, The Human Side of Industry in Cleveland, Education in Cleveland, Moral and Constructive Agencies, The Public Health Activities of Cleveland. The second part of the volume contains a series of reports on the means for carrying this program into effect.

Jenkins, Frederick W., and Black, E. L. The social survey. [Bibliography.] 7 p. (In Bulletin of the Russell Sage Foundation Library, no. 2, December, 1913.) **Cs; Np.**

Russell Sage Foundation. Department of Surveys and Exhibits. Scranton in quick review. 1913. 31 p. 8°. **Np.**

Made for and published by The Century Club of Scranton.

St. Louis, Mo. Municipal Reference Library. Regulation of public dance halls; municipal legislation, compiled by the municipal reference library, St. Louis, Mo. n. d. 27 p. 4°. **Cp.**

Copied by the Public Affairs Information Service, January, 1914.

"Summary of the laws in force in certain American cities."

Social Research Council of Boston. An additional list of social investigations in Greater Boston to September, 1913. 38 p. 8°. **Cc; Cs; Np; Sp.**

The Social Research Council is affiliated with the Department of Social Ethics of Harvard University. The publication listed above is Bulletin no. 2 of the council and no. 9 of the Publications of the Department of Social Ethics. The first list of social investigations in Boston was published in July, 1912, as Bulletin no. 1 of the Council.

Social Centers

Woods, Robert A. The neighborhood in social reconstruction. (The City Club of Chicago. Bulletin, January 24, 1914. pp. 25–32.) **Cc; Cm; Cp; Cs; Cj; Np; Sp.**

Social Evil

Pittsburgh, Pa. Morals Efficiency Commission. Report and recommendations of the commission. 1913. 43 p. **Cp; Np; Sp.**

St. Louis, Mo. Committee of One Hundred for the Suppression of Commercialized Vice in St. Louis. Brief in support of citizens' memorial to the board of Police Commissioners of St. Louis, Missouri, on the illegality and inexpediency of segregating commercialized vice in St. Louis. 32 p. **Cp; Cs; Np; Sp.**

Streets

Chicago, Ill. Commissioner of Public Works and Civil Service Commission. Reports on the Bureau of Streets. October, 1913. 112 p., 29 plates. **Cc; Cp; Cs; Np.**

City Club of Milwaukee. Committee on Street Lighting. Communication on the pending question of street lighting in Milwaukee. January 3, 1914. 4 leaves. 4°. **Np.**

Taxation

See also above under Parks and Playgrounds.

Bureau of Municipal Research, Philadelphia, Pa. Seven years of municipal finance, assessed valuation of property: The best single index of Philadelphia's opportunity. December 11, 1913. 20 p., tables, diagrams. **Cm.**

Municipal League of Los Angeles, Cal. Special Committee on Assessments. Assessment of taxes on downtown business property in the City of Los Angeles, with charts of fifteen business blocks, showing assessments on real estate and front foot valuation. December, 1913. 12 p. 4°. **Cm; Cp; Cs; Np.**

Swan, Herbert S. A clear statement of the nature and expected results of the increment tax. How the plan would work out in New York. 3,500 words. (N. Y. Commercial Advertiser, February 21, 1914.) **Np.**

Traffic

Chicago (Ill.). Public Library. Municipal Reference Library. Municipal Reference Bulletin no. 1. Rates of fare of public motor vehicles in fifteen large cities. 1913. 4 leaves. **Np.**

Harris, H. P. London traffic problem. Address at Caxton Hall, November 24, 1913. 19 p. **Cm; Np; Sp.**

Published by the London Municipal Society.

Water Supply

New York City. Board of Water Supply. Catskill water supply. Reports, letters, etc., on the city tunnel and the delivery of Catskill water to the several boroughs of the city. 1912. 186, v p., plates, sheets, maps. **Np.**

Ericson, John. Chicago water works. October, 1913. p. 763–796. 8°. **Cc; Cp; Np; Sp.**

Reprinted from the Journal of the Western Society of Engineers, October, 1913.

Hansen, Paul. Increasing the efficiency of small water works and sewage treatment plants. 1913. **Sp; Cp.**

Reprinted from the annual proceedings of the Illinois Society of Engineers and Surveyors.

Phelps, Earle B. The Wilmington (N. C.) water supply. An investigation made during November and December' 1913. p. 61–74. 1914. (U. S. Public Health Service. Reprint no. 161.) **Cp; Np; Sp.**

Workmen's Compensation

Berkeley, Calif. Ordinance no. 310, adopted December 30, 1913, providing for payment of compensation for death or personal injury sustained by employees of the city in the course of their employment by the city and creating a fund to be known as the "Employers' Compensation Fund." **Np.**

Text seen only as a newspaper clipping.

INDEX AND TITLE PAGE

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THE MORTON DENISON HULL PRIZE

The NATIONAL MUNICIPAL LEAGUE, through the generosity of Hon. Morton Denison Hull of Chicago, has established an annual prize of Two Hundred and Fifty Dollars, to be awarded for the best essay on a subject connected with municipal government. The competition is open to post-graduate students who are, or who have been within a year preceding the date of the competition, registered in any college or university of the United States offering distinct and independent instructions in municipal government.

For the year 1914, the prize will be awarded for the best essay on any one of the under-mentioned topics:

1. The history of municipal government in the United States during either one of the following periods: (a) from the Revolution to the Civil War; (b) from the Civil War to the present time.

2. The charter and the practical workings of government in any American city having a population of 50,000 or over.

3. The legal problems involved in the home-rule charter, with special reference to the experience of those states in which the system has been in operation.

4. The actual operation of the following features in American municipal government: (a) the initiative and referendum; (b) the recall; (c) proportional and minority representation; (d) limited and preferential voting.

5. Public utilities' commissions, with special reference to the control of municipal public utilities in any state of the Union.

6. Municipal accounting and budget-making, with special reference to the actual results derived from the use of new and uniform methods.

7. The sources of municipal income in any state of the Union. (The study should deal with such matters as productiveness, cost of collection, and a general outline of each source. Competitors who think of choosing this subject should make sure that it has not been already covered by some published study, as, for example, in the case of Illinois).

8. The municipal charter system, whether general or special, in any state of the Union which contains at least two cities of more than 50,000 inhabitants.

(continued on following page)

(*continued from preceding page*)

9. The development, present extent, and actual results of municipal ownership and operation of public utilities in American cities.

10. Nomination methods and election machinery in cities, with special reference to ballot reform.

Any suitable subject not included within the above list may be selected by a competitor provided it be submitted to the Secretary of the League and approved by him at least thirty days before the time set for the close of the competition.

The essays should not exceed 20,000 words, and must be typewritten in duplicate. They should contain marginal or foot-note references to the authorities consulted. Essays must be mailed in duplicate, or delivered to an express company, not later than September 15, 1914. (Essays in the competition of 1915 will be called for not later than June 1.) They should be addressed to Clinton Rogers Woodruff, Secretary of the National Municipal League, North American Building, Philadelphia, Pa., and marked "*For the Hull Prize.*" The name of a competitor must not appear on the essay. A fictitious name or some other designation must be given instead, and the real name of the competitor (together with university and home address) must be enclosed in a sealed envelope accompanying the essay.

The prize will be awarded by a board of judges selected by the Executive Committee of the National Municipal League.

No essay which has already been published will be considered as eligible for the prize. The National Municipal League shall have the privilege of printing the successful essay or any portion of it.

For additional details concerning the scope and conditions of this competition, inquiries may be addressed to the Secretary of the League, or to the Chairman of the League's Committee on the Administration of this prize.

On behalf of the NATIONAL MUNICIPAL LEAGUE,
CLINTON ROGERS WOODRUFF, *Secretary.*

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March 31, 1914.

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NATIONAL MUNICIPAL LEAGUE

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NATIONAL
MUNICIPAL REVIEW

VOL. III, No. 3 JULY, 1914 TOTAL No. 11

MUNICIPAL ZONES

A Study of the Legal Powers of Cities Beyond their Incorporated Limits[1]

BY HOWARD B. WOOLSTON [2]

New York

THE influence of a city, like that of any radiating body, increases with its size and its proximity. Beginning with a nucleus of houses about a fortress, a shrine or a market-place, towns expand along main thoroughfares, filling in new sections and building up suburbs, until a wide region is affected by their economy. Satellite cities are organized with regard to the industrial and commercial resources of a great metropolitan center. Indeed it is sometimes difficult to determine where one town leaves off and another begins, so gradual or so complete is their merging.

For political reasons, the boundaries of administrative districts have been sharply defined in order to prevent conflict of authority. It is a well established principle of public law, that within the same territory there cannot exist two distinct municipal corporations.[3] The jurisdiction of one city may not extend within the limits of another, save upon approval by the state government. A municipality has generally no powers beyond its boundaries, and, therefore, usually confines its activities to its incorporated area. The principle adopted by the English boundaries commission of 1835 is the one sought in marking off a city. That body endeavored "to relieve from all municipal burdens those who cannot participate in all municipal advantages, and to include within the limits of each borough a population having a community of interest."

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 520.

[2] Professor Woolston took his bachelor of arts degree at Yale in 1898, his bachelor's degree in theology at Chicago in 1901, and doctor of philosophy at Columbia in 1909, He has been director of neighborhood and school extension in Roxbury, Mass., head worker in the Goodrich Social Settlement in Cleveland, and a member of Mayor Johnson's playground commission. He is now assistant professor of political science in the College of the City of New York and director of investigations of the New York Factory Commission.

[3] Dillon, *Municipal Corporations* (5th ed.), § 354.

Unfortunately city limits once fixed do not always contain the whole community. A settlement may spring up just across the line. Its residents, although owning large business interests in town, have no political rights there. On the other hand, noxious industrial plants may be established at the very doors of a municipality, and its officers be powerless to abate the nuisance without an order from a higher court. Extensive improvements in laying out streets may be undertaken by the authorities of either place, with no assurance that such roadways will be continued or developed beyond the boundary. One town may vote for prohibition and the other may allow a row of saloons to line adjacent blocks. A police officer may see a well known criminal on the farther side of a marginal street and be powerless to arrest him. A river that once formed a barrier between two provinces may become the common waterway, reservoir and sewer for groups of cities that line both banks. In such cases it is clear that established boundaries interfere with uniform and efficient administration. This is the situation of many American municipalities to-day.

To meet such difficulties, several plans of unifying larger areas have been devised. Our system of townships and counties may be considered as the most general of these, in so far as a central authority controls certain judicial and financial matters concerning territory which includes both urban and rural districts. But inasmuch as the closely settled parts have peculiar needs, they seek special rights by incorporation, which insures them a more adequate local government. Such groups frequently absorb and outgrow township limits. Their relation to the county, however, may still be one of partial subordination, although they contain the greater part of its wealth and population. In this case the town may dominate the county by weight of a political majority. In order to obtain adequate public buildings and improved roads, it can simply outvote the rural districts. It frequently secures the election of its representatives to many of the principal offices and thus gains control of the whole machinery of administration.[4] But this political domination does not enable a city, as such, to exercise its peculiar powers beyond its own boundaries. It may influence action outside, but it cannot directly act.

A partial solution for this limitation is offered by joint boards, which administer certain agencies for several communities. The most familiar American example of this form of adjustment is the union of townships for school and charity management. A direct pooling of interests by cities, towns, and villages is unusual in the United States,[5] although many private corporations serve several communities, and a few municipalities supply public utilities for adjacent settlements.[6] In Europe, however, joint action by local authorities is fairly common. Thus several English cities have representatives on water and sewage commissions with power over contiguous sanitary districts or extensive drainage basins. The Prussian *Zweckverbände* may comprise a city together with outlying territory, united for specific purposes and administered by agreement of the responsible authorities.[7] In France there are (1) intercommunal conferences arranged by municipal councils, but without executive powers; (2) *commissions syndicates,* to take the place of councils regarding undivided property; and (3) syndicates of communes for carrying out works of common utility, administered by a committee chosen from the communal councils.[8] But such extension of municipal power is restricted to the specific purpose for which it is authorized. Nor can a city exercise this partial control, unless permitted to do so by the central government.

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[4] The council of the department of the Seine consists of the eighty members of the Paris council and twenty-one representatives from the two additional *arrondisements* outside the city. A *département* may be roughly compared to our county and an *arrondisement* to a township. Obviously the urban group here rightly preponderates.

The most direct method of enlarging the area of municipal jurisdiction is to annex contiguous territory. This may be accomplished by authorization of the state, even against the will of another municipality which is thus absorbed.[9] Power may be granted to a city to incorporate additional territory by mere resolution of the council acting under general laws.[10] By this simple procedure an urban center may surround itself with a wide margin of open country over which it has legal control. This extension of boundaries does not, however, affect the real scope of municipal authority. When old lines are outgrown, new limits are as definitely established.

It sometimes occurs that cities, in the process of expansion, absorb an entire county or parts of several. In this case the municipality itself may be erected into a county, substituting its own form of administration wholly or in part for that of the ordinary county. At the same time it usually gains additional powers, and is now subordinate only to the state. The exercise of this increased authority is, however, restricted to its own territory, so that a municipal county may be as powerless beyond its bounds as are small towns.

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[5] Brooklyn Bridge Case (*People* v. *Kelly,* 76 N. Y., 475).

[6] *South Pasadena* v. *Pasadena Light and Water Co.,* 152 Cal., 579.

[7] Oertel, *Die Städte-ordnung,* S. 16.

[8] The last form constitutes a public corporation with a civil personality distinct from the component communes. Dalloz, *Dictionaire de Droit,* p. 302.

[9] *Hunter* v. *Pittsburg,* 207 U. S., 161.

[10] Dillon, *op. cit.,* §§ 353–355 (citing Indiana and Iowa decisions).

A great metropolitan center, like New York or Boston, may overspread several counties. The former has simply incorporated the territory of five adjacent counties within one municipality and subordinated their administration to that of the city. The latter is still a congeries of independent administrative units, whose common interests in water supply, sewage and outlying parks are controlled by state boards for the district. Such boards, or commissions, are not uncommon in this country. In London and Paris the policing of the metropolitan area is in the hands of the central government. While such administration secures uniform regulation within a wide urban district, and although the state boards are frequently composed of representatives from the places concerned, this form of administration is not an extension of municipal authority, but the reverse. Some of the powers of local government are vested in a body with wider jurisdiction, which is not directly responsible to the communities it controls.

When the social economy of a city extends across a state line, there seems to be no direct method of unifying its administration. With the consent of the respective states and of the federal authorities concerned, adjoining communities may engage in an enterprise affecting both, such as building a bridge over an intervening stream.[11] There is scarcely a doubt, however, that police powers derived from one commonwealth would not be effective within the limits of another. Agreement by the states in this regard would probably be a violation of the constitution, which prohibits their entering into any alliance or confederation. With the consent of congress and of the state legislatures, a new state might be erected within the urban area, as has been frequently advocated in the case of New York. The free cities of Germany—Hamburg, Bremen and Lübeck—have often been cited as illustrious examples of such municipal emancipation. But even city states have their well defined boundaries, and imperial cities are quite foreign to most modern constitutions.

The basis of our civil government is the state, which is the sovereign political organization of the people possessing a definite territory. Its function is to secure the safety and welfare of all persons within its borders. To accomplish these ends, its domain is subdivided into minor administrative districts. Local government, within limits set by the commonwealth, is delegated to these subordinate units. Therein they are obliged to conform to the general laws of the responsible authority vested in the state. From this point of view, a city is merely a territorial subdivision of a more comprehensive domain.

On the other hand, some social groups within the state have peculiar local needs and interests not common to the general population. They may have acquired certain historic rights established before the formation of the state itself. Compact centers of population, by reason of numbers and density, require special provisions for the maintenance of health, safety and order, which are not essential for sparsely settled regions.[12] This situation calls for additional power to enact and enforce local ordinances. Cities need sewage and water systems, extensive public buildings, parks, docks and bridges. Gifts may be offered to the community for the use of its citizens. Adequate action in such cases involves the acquisition and administration of property.

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[11] *Haeussler* v. *City of St. Louis*, 205 Mo., 656.

Although these functions might conceivably be exercised directly by the state, the principle of economy requires that it shall undertake only those things that are necessary for all the people. On the theory that those immediately concerned should bear the burdens for benefits conferred, the state, therefore, charters a municipality as a corporation with special privileges and duties. Although such grants are narrowly interpreted in this country and are ordinarily limited to the locality for which they are issued, certain functions of the corporation cannot well be restricted by its boundaries.

The general doctrine that a municipality can exercise its powers only within the corporation limits, is founded on the fact that it has no powers save those conferred by charter or statute, and usually only those powers are enumerated which are essential for the people within the incorporated area. But such a corporation may also do those things fairly or necessarily implied in or incident to the powers granted.[13] Hence a city having authority to furnish water for its inhabitants may go outside its boundaries to secure a suitable supply. While city purposes usually find their development within municipal limits, such purposes are not necessarily restricted to works within the city, as, for example, a bridge or a ferry giving access to the place.[14] All that need be shown is that such work is for the public welfare and reasonably necessary for the proper exercise of any power granted to the municipality.[15]

In this way a city may acquire adjacent lands for use as reservoirs, sewage farms, cemeteries, pest houses, parks, wharves, etc. Such extensions of municipal property are so common as to occasion no remark. As a general rule, cities cannot thus hold real estate beyond their boundaries, save by authorization of the state legislature; but unless restrained by law, a municipality may purchase such land as is essential to those public purposes for which the corporation was created.[16] Where this power is broadly interpreted, as in Germany, many cities have secured large outlying tracts, which they administer as landlords, for the purpose of systematic suburban development.

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[12] Dillon, § 353.

[13] *Ibid*, § 1028.

[14] *Matter of New York City*, 99 N. Y., 569.

[15] Dillon, § 1293.

[16] *Ibid*, §§ 976, 980.

Just what constitutes a proper public use is a debatable question. In this country we are accustomed to restrict municipal functions to essential services enumerated in the chapter. In Great Britain and Germany, cities have undertaken many additional lines of public service, such as transportation, housing, insurance, pawnbroking, etc. The growth of municipal trading has not only enlarged the scope of city authority, but it has also extended the territory which such corporations may control. For example, the English housing and town planning act empowers a city to secure land, outside its boundaries if necessary, for improving the living conditions of its people. In Germany the presumption is that a city may do anything not forbidden it by the general laws. Obviously such a rule allows the corporation to meet its growing needs by extending its property practically at will. A law like that in Missouri,[17] which empowers cities of the first class "to purchase, condemn, receive and hold property, real and personal, within and beyond their limits, to be used for cemeteries, parks, boulevards, waterworks, gas, heat and electric light plants, hospitals, poorhouses, workhouses, *or for any other purposes*" —points toward municipal expansion.

A city may own property that is remote from its boundaries, as is often the source of its water supply. It may hold in trust for charitable purposes lands beyond its limits.[18] The *McDonough Will Case* (15 How. (U. S.) 367) decided that real estate in New Orleans might be administered by the city of Baltimore, since nothing in the laws of Louisiana restrained such rights. Hamburg controls, as a part of its own domain, the port of Cuxhaven, which lies more than seventy miles from the mother city in the midst of another state. It is a fairly well established principle of law that, within its powers, a corporation may contract to do an act at any place other than where it is located.[19] So much may suffice to show that the powers of a municipal corporation tend to pass beyond its territorial limits.

But a city is not a mere private corporation. It is a public agency for general welfare. Accordingly, its authority to promote appropriate works is frequently buttressed by the power of eminent domain. Where the use for which property is required is a reasonable and proper public service, this power may be exercised beyond the city limits. The right of eminent domain is, of course, derived from the state; but the power of the legislature to delegate such right to a municipality cannot be questioned. If, therefore, a city is authorized to engage in public improvements requiring land beyond its boundaries, it may exercise the power to condemn such property.[20] This procedure is ordinarily based upon a specific empowering act; but in certain cases the right of condemnation seems to be implied in granting the corporation authority to construct works which may extend beyond its limits.[21] The principle of excess condemnation, involving the taking of more land than is necessary for the actual improvement, has increased the power of English cities in this respect. The *Lex Adickes,* which permits Frankfort to lay out suburban areas and to reapportion lots among the owners after deducting areas for streets, is another long step in advance.

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[17] Revised Statutes, 1909, § 8541.

[18] *Chambers* v. *St. Louis*, 29 Mo., 543.

[19] *Bank of Utica* v. *Smedes*, 3 Cow. (N. Y.) 662.

In this country outlying municipal property is usually held subject to the regulations of the governmental authority within whose territory it is located. That is, the city has such rights and duties regarding these holdings as a private person would have. The corporation may prevent trespass, appoint guards and otherwise protect its property; but generally it cannot enforce its ordinances outside of its own boundaries.[22] When authorized by the state, however, even this rule does not hold, and a municipality may exercise police powers beyond its corporate limits. Thus several cities control their parks, cemeteries and watercourses some distance away. Towns in Illinois may build and maintain ferries, bridges and roads to the same within five miles of the corporation; and such property with its approaches is subject to municipal ordinances as though it were situated within the corporate limits.[23]

Such authority may not be confined to municipal property, but may extend over the entire territory surrounding a city. For instance, Baltimore can prevent the introduction of contagious or infectious disease within three miles of the city on land and fifteen miles on water.[24] An early case (*Harrison* v. *Baltimore,* 1 Gill (Md.) 264) established the right of the city to enforce quarantine outside its limits through its own health officers. Chicago has power to regulate certain noxious trades within one mile of the city; and the Supreme Court of Illinois held that an ordinance requiring slaughter-houses within that distance to obtain a license from the city was valid against a company operating under a permit from an adjacent town.[25] The Indiana law of 1905 practically extends the police powers of municipalities in that state four miles beyond their corporate limits, since it empowers them within that radius to regulate the manufacture and sale of liquor, to preserve peace and quell disorder, to prevent vice and punish criminals.[26]

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[20] Dillon, § 1028.

[21] *Helm* v. *Grayville,* 224 Ill., 274.

[22] *Strauss* v. *Pontiac,* 40 Ill., 301; *Robb* v. *Indianapolis,* 38 Ind., 49.

[23] Ill. *Revised Statutes,* 1909, chap. 24, § 194 a.

[24] Charter, § 6, p. 8.

[25] *Chicago Packing Co.* v. *Chicago,* 88 Ill., 221.

In England the local police have authority in any county within seven miles of their borough.[27] "By-laws, made by a municipal corporation with respect to a franchise granted them with local jurisdiction beyond the limits of the municipality, are as binding upon persons going into the liberty as the by-laws of the city upon those who come within its walls."[28] In Prussia the minister of the interior may extend the control of the local police over adjacent communities; and, where the management of the force is not in the hands of a royal officer, it may be exercised by the *Burgomeister*.[29] Here, however, it becomes clear that this authority is not municipal in character, but is essentially a function of the state administered by the city as an agent. The same principle is obvious in French administration, where the urban communes are charged to maintain order through the rural police, with whose organization they have nothing to do.[30] The mayor in this regard, as in military matters, acts as a representative of the central government.

The power of urban taxation is also derived from the state, and is usually restricted to the municipal limits. But if outlying territory be directly benefited by a public improvement undertaken by the corporation, the latter may levy assessments.[31] Property is generally taxed *in situ;* but rolling stock, ships, etc., may be levied upon at the domicile of their owner. So companies are frequently assessed at their main office. New York City imposes a rate upon bonds possessed by its citizens, which represent property in various parts of the country. Such authority granted to a municipality enables it to draw revenues from holdings that are far removed from its boundaries.

Even political rights may be exercised by those who do not actually reside within a town. Thus persons engaged in military service, students and travellers do not necessarily lose their vote in local elections. Many people who spend most of their time away from the municipality still retain legal residence. In England a burgess may live seven miles beyond the town limits, and a councillor fifteen miles away. It should be noted that persons chosen for office may be compelled to serve under penalty of a fine. The theory here is that taxpayers are concerned in the economy of a city, and so should have a voice and assume responsibility in its management. Urban centers thus establish a fringe of citizenship and officialdom beyond their boundaries.

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[26] *Revised Statutes,* § 8655, clause 40, 41, 47.

[27] *Municipal Corporations Act,* Pt. IV, § 191.

[28] Dillon, § 627.

[29] Oertel, *op. cit.,* §§ 435, 440.

[30] Law June, 21, 1898, art. 1.

[31] Dillon, § 1352 n.

The fundamental idea of municipal government is to invest compact groups of people having common interests with a unified and effective form of local administration. Such a community tends naturally to extend its agencies and to enlarge the scope of its authority to the full measure of its needs. This irradiation must, of course, be limited to prevent encroachment upon the rights of other communities. But many of the limits set to urban expansion are unquestionably merely traditional or arbitrary. A city may legally do anything that the state may allow it to do.

Municipalities should, therefore, be given the widest power consistent with general welfare to federate with neighboring communities for the purpose of effecting projects of mutual advantage. Within the bounds established for their own activity, the principle of home rule should prevail. This need not weaken the administrative authority of the state, but would rather increase its political coherence. The state, as well as the city, exists for the welfare of all its people; but the strengthening of municipal government secures order and economy within the most important centers of the commonwealth. As the ancient city produced the modern state, so must the modern state produce the greater city of the future. National efficiency has grown by the process of centralization; but the virtue of democracy rests in the power of local initiative.

CERTAIN ASPECTS OF CITY FINANCING AND CITY PLANNING[1]

BY ANDREW WRIGHT CRAWFORD[2]

Philadelphia

THE genius of modern life is to do justice; and yet there is hardly a municipal bond issue by which injustice is not done. Bonds are issued to pay for the construction of things that will not last for the life of the bonds. Thirty-year or fifty-year bonds for street paving, which will have to be completely replaced in ten, or, at most, fifteen years, are constantly authorized. The taxpayers for the last fifteen years of the life of the bonds, in cases where they are to run for thirty years, and the taxpayers of the last thirty-five years, where the bonds are to run for fifteen years, are thereby compelled to pay interest and sinking fund charges for a thing which they cannot by any possibility enjoy.

This injustice is not confined to things that are completely obliterated before the end of the life of the bonds. The more common, though less glaring, manifestations of it are in the inadequate conception or execution of municipal work to be paid for through bond issues. All kinds of public undertakings are conceived, either with reference only to the needs of the present or of the immediate future,—of not more than the next decade. Fifty-year bonds are issued to pay for improvements which will be quite inadequate fifty years hence, and which will have to be greatly enlarged in capacity long before they are completely paid for through the amortization of the bonds. While a part of the original construction may be useful in the enlargement, frequently all of it is useless and the cost of its removal makes the total cost greater than if unoccupied ground were available. Thus underplanning entails avoidable expense and is, therefore, extravagance.

Failure or inability to foresee or want of courage to act in accordance with true vision is responsible for this waste in American municipal expenditures.

It is submitted that no issue of municipal bonds should be sought by city officials, unless the thing to be constructed by those bonds will last as long as the bonds themselves, and, further, unless it will be measurably adequate for the needs of the community at the end of the life of the bonds as well as at its beginning.

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[1] An address delivered at the Sixth National Conference on City Planning.

[2] Mr. Crawford, who is a member of the Philadelphia bar, is the secretary of the art jury of Philadelphia and of the city parks association. He is a member of the executive committee of the National conference on city planning and of the National housing association.—Editor.

The administration that is not consciously and conscientiously endeavoring to foresee and measurably to provide for the needs of the future should be confined in its expenditures to the income of the present.

I have referred to thirty- and fifty-year bonds. As it is becoming the fashion to authorize the issue of fifty-year bonds I shall hereafter refer to fifty-year bonds, noting now that what is said in regard to them is generally applicable to thirty-year bonds also, with an obvious reduction in proportion or in emphasis.

American cities double in population in twenty-five years. A city of 100,000 to-day will be 200,000 in 1939. This means that by 1964 it will have doubled again and be 400,000, a population four times that of to-day. This obvious result is not so obvious to the official who is thinking only of the present. I recently saw a computation of the future population of a city made by a newly appointed secretary of a city planning commission, in which he took the total growth of the last fifty years and assumed that the total growth of the next fifty years would be exactly the same. He assumed that the absolute figures would be the same, not the percentage. "Dealing in futures" has heretofore been a little known art in municipal operations. The figures given above show that in fifty years the average American city will quadruple in population. The logical conclusion follows, that if the thing now constructed by the proceeds of the sale of fifty-year bonds, is to be commensurate with the needs of the people who, in the latter years of the bonds' life, will be making use of that thing, and also paying interest and sinking fund charges thereon, the needs of a population approximately four times the present one must be considered if for no other reason than to avoid the doing of palpable injustice.

The efficient life of the thing constructed by the proceeds of municipal bonds should measure their term, that efficiency being measured by adequacy of service to the community, and city planning is indispensable to determine that length of efficient life of a municipally constructed thing. Hence the issuance of city bonds calls for city planning as a prerequisite.

I have purposely qualified the duty of to-day in this regard as being that of providing "measurably" for the needs of fifty years hence. To provide absolutely for such needs would compel us in 1914 to provide, and to pay proportionately for, a thing four times greater in capacity than required by us who have approximately but one-fourth the financial resources of 1964. That would be injustice to ourselves. How shall we adjust this difficulty? How shall we equitably provide payment for things needed now in a measure, which will hereafter be needed in the same, or a greater, or, conceivably, a smaller measure? This question will find an answer to some degree in a differentiation among the things constructed by the proceeds of municipal bonds—a differentiation of which I give examples, not a catalogue.

In the case of outlying parks, we, who secure them, should pay the minimum. Fifty years hence these parks, now suburban, and now somewhat of a joyous luxury, will be indispensable to their urban neighborhoods. We should be able to issue bonds for such parks with a very small sinking-fund charge to-day, graded up to a very large charge fifty years hence—more: we should make park bonds run seventy-five or one hundred years and make their present amortization charges negligible.

The term of paving bonds should be in the neighborhood of fifteen years and the immediate amortization charge should be very heavy—the charge fourteen or fifteen years hence very light. We who have the pavement at its finest should pay the highest toll.

Stone and concrete bridges are expected to last for seventy-five years. Bonds issued to provide the money for them should run as long. It is more difficult to determine whether their amortization charges should be graded up or down, or kept at one figure throughout. In the case of centrally located bridges, perhaps the last course would be advisable. In the case of bridges in suburban territories, their future greater usefulness justifies a heavier future sinking-fund charge.

The system of main sewers may deserve a diminishing amortization charge—of main streets, an increasing one. Public buildings probably deserve a diminishing charge throughout—though possibly the summit of their serviceableness is neither at the end nor at the beginning of the life of the bonds issued from them, but at some period during that life—proably nearer its beginning than its end; the deterioration of the physical building must be considered and deterioration begins at once.

On the other hand bonds issued to provide funds for the acquisition of the real estate upon which public buildings are to be erected, clearly deserve an increasing amortization charge throughout. The division for taxation purposes, of land from improvements thereon, will show how markedly the former often increases in value while the latter decrease. Each other city improvement should be considered likewise.

It is true that some of these suggestions would require changes in state constitutional provisions before they could be carried out. But if city planning should contemplate a minimum of fifty years for physical results, a minimum argued for hereafter, a delay of four or five years in order to secure constitutional changes is not of paramount importance. Moreover, while the inquiry as to present legal capacities is obviously an important part of a city survey, city planning must necessarily contemplate changes in organic law from decade to decade; it is a part of city planning to plan future laws as well as future structures. Constitutional provisions and acts of legislatures will change during fifty years.

anyway; there will be much gain if they are planned to meet city planning requirements *pari passu.*

The desirability of providing for graded amortization charges, though a constitutional change is involved, has been recognized. One example, of which, doubtless, there are others, may be found in a proposed amendment to the constitution of Pennsylvania, which passed the last legislature, but which will have to pass the next one and then be ratified by the electors. The amendment is to enable the city of Philadelphia to borrow three per cent over the existing limitations of seven per cent "for the construction and improvement of subways, tunnels, railways, elevated railways and other transit facilities, for the construction and improvement of wharves and docks, and for the reclamation of land to be used in the construction of wharves and docks, owned or to be owned by the city," and it provides, in part: "In incurring indebtedness for any one or more of said purposes, . . . the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligation at maturity, *the payments to such sinking fund to be in equal or graded annual installments.*"

It may be noted in passing that this amendment follows the admirable precedent, already established in other states, of providing that in regard to these two classes of improvements, the borrowing capacity of a city at any time is to be ascertained by excluding from the calculation a credit where the work resulting from any previous expenditure of loan moneys is self-supporting.

Obviously, all of these methods of municipal financing and each of these differentiations among its objects require the careful study, forethought and prevision that are of the essence of city planning; they necessitate city planning, if they are to be more than guesses.

It will not have escaped you that any consideration of municipal bonds in connection with city planning establishes the minimum for the time that should be contemplated in city planning. It does not necessarily establish the maximum. But the minimum usually is in practice the maximum. In Pennsylvania, just before the enactment of the minimum wage law, its opponents sought the support of a manufacturer who was known to pay the lowest of low wages, and they asked him: "Do you believe in the minimum wage?" To which he replied: "Sure I do, I pay it!"

If the needs of the population at the end of the life of bonds, fifty years hence, must be considered as a mere matter of justice, obviously, our city planning must contemplate fifty years as its minimum; if in practice that does become also the maximum, I am not satisfied that any harm will result. Think of the inventions or improvements in inventions made during the last fifty years, especially those affecting communication,—the telegraph, the telephone, the electric car, the motor car, the motor truck and the German dirigibles—to suggest a few—and I think you will agree with me that it is enough to attempt to forecast the needs of an urban population four times that of to-day.

A striking example of changes in the problems we have to deal with in city planning was brought out by a report at the meeting of the third International Road Congress at Ghent in 1913, which S. D. Adshead thus abstracts:

> A census of traffic taken on a fine Sunday afternoon in the spring of the present year on a certain secondary arterial road leading out of London, showed that the average number of vehicles passing in one hour was: Motor buses 50, motor cars 300, motor bicycles 50; bicycles 100, and horse-drawn vehicles 15. A fair presentation of the Saturday and Sunday crowd.
>
> This particular section of the road chosen for observation was straight for about one third of a mile and had no cross roads. Deviations in its alignment at either end prevented excessive speed; but a computation showed that motor buses attained an average pace of fourteen miles per hour and motor cars twenty-five. It was a narrow road, being only twenty-six feet in width between the curbs, but it has a fine surface of wood block which has been recently laid.
>
> Ten years ago it was paved with macadam and at the same time of day and on the same day in the year it would have been traversed by a continuous procession of cyclists, a few horse buses and other horse traffic of a lighter kind. Twenty years ago it was a carriage drive, a route for agricultural wagons and light tradesmen's carts, and it also provided a means of access to the metropolis for those possessed of a horse.
>
> The changes in condition of usage which have overtaken this secondary arterial road leading out of London apply with equal force to roads leading out of every town of importance in Europe and America.

As in the period of twenty-five years the average city doubles in population, and as the terms of administration of city officials are becoming generally four years, it follows that each administration will see a growth of the city approximating the proportion of four years to twenty-five years, twelve per cent to fifteen per cent. In some cases it will be less; in others more. But each administration must prepare for a growth of upwards of fifteen per cent that will occur in the city's size during its term. This will be reflected chiefly on the city's perimeter but it will react also on the city generally, on the central portion especially and on the subcentres intermediately. The more intensive future use of the portions of the city already built requires our present more extensive preparation. Each administration should at least take care of the additions to the physical requirements of public service that will become needed during its term of office.

Municipal work may be divided into two grand divisions; one, the maintenance and operation of the existing municipal plant; the other, the planning and construction of additions thereto, and the replanning and reconstruction of portions of it. In respect to its plant, the commonly accepted analogy that a city and its citizens resemble a corporation and its stockholders fails to be true, and hence is misleading. An ordinary corporation can stop its growth, if its directors or stockholders determine that it shall do so. The growth of the municipal plant cannot be stopped.

The maintenance and operation of the existing plant, to which the attention of municipal officials has been so largely given heretofore, is unquestionably of immediate and pressing importance, but the expert skill and knowledge required for planning for the growth of the city that will take place each year, each ten years and each fifty years is of a higher order than that required for maintenance and operation. Just as it takes a higher degree of expert knowledge and skill to plan and build a house than to make repairs to it afterwards, so it requires a better understanding of the problem, a more expert solution and more efficient construction work to plan and build the additions necessary for the future growth of the city, than to maintain and operate what has already been constructed. It used to be said that a carpenter could build a house and he did not need an architect to tell him how to do it; many cities have been built, and some are still being built by similarly self-satisfied municipal carpenters. It ultimately costs more money to correct a house badly planned or skimped in its construction, than to build it right in the first place, and it costs the city vastly more to reconstruct itself, where it has been planned on wrong, mean or short-sighted lines, than to construct it well on broad lines, in the first place. And the direct money cost is not the only cost. John Burns well said "mean streets make mean people"; and we may paraphrase the remark by saying that mean city planning makes a mean city, and a mean city makes mean citizens.

City planning, which has to do with all the elements that make up the physical city, involves not only planning but decision. The study of the one and the exercise of the other are as important duties as any to which a municipal administration can give its attention. During the course of any one day, or any one year, or any five years, this may not appear to be true; if the city were sure to cease to exist with the expiration of any such period, it would not be true; but, considering the entire future life of the city, not the dead past nor the fleeting present, but the far reaches of the future, it is true.

Fortunately the resources of a city increase with its needs. Failure to appreciate the fact that the annual income from taxation will be larger and the annual addition to the borrowing capacity of the city will be greater with each succeeding year, is the reason why the larger and larger plans prepared annually appear to be exceeding the capacity of the city. Our present plans, if they are to be adequate when materialized in the future, must be correspondingly extensive, based on an understanding not only of what the needs of the future will be, but of what the financial ability of that future will be. It is difficult to persuade people that any plan to be carried out in twenty-five years, for which the present capacity of the city is sufficient, is to be regarded because of that fact alone, as probably inadequate, as probably providing for a result at the end of those twenty-five years that will not be commensurate with the then existing needs; the sufficiency of the present capacity of the city to finance the plan throws the burden of proof on its proponents to show the enduring sufficiency of the plan itself.

Certain of the more direct financial considerations that have to do with city planning have been discussed at these conferences. The method of paying for various kinds of improvement, through assessments on the property benefited, has been emphasized as an admirable American method, where the sole question is how to finance a municipal improvement. The method of excess condemnation, where, in addition to providing, in whole or in part, for the cost, it is desired to exercise some control of abutting property, as by the regulation of occupation, the recasting of lot lines, the determination of lot and building widths and depths, the determination of minimum, maximum and proportionate heights of buildings, the regulation of the relation between buildings on adjoining lots, the prohibition of blind walls—again a suggestive list, not a catalogue—has been urged as a European method, desirable, and, if these ends are to be obtained, necessary for adoption here. Considerations of expediency will determine which method is the more available in individual cases. Generally, in undeveloped sections, assessment for benefits is the better method, while in developed sections, excess condemnation is preferable.

It should be borne in mind that where the power of excess condemnation is used, any loss as well as any gain will be the city's, whereas in the case of assessments for benefits, the loss, if loss there be, will be the property owner's. Greater justice is thus often secured by excess condemnation.

Frequently, the combination of the two methods will be advantageous: to condemn immediately abutting property to a desirable lot depth and control its development by the creation of easements, will spread the resulting increase in values over a greater territory than if such abutting property were left uncontrolled in private hands. Immediately adjoining the excess area so condemned, there will be consequently an enlarged area subject to assessment for benefits. And, in addition to the returns, in the one case, from the sale of the excess property, and, in the other, from the special assessments, both areas will thereafter return annually a larger sum in taxes than before, thus taking care of proportionate interest and amortization charges on bonds that may have been issued to finance the work; or, if no such bonds were issued, thus securing a greater income for general municipal uses. The territory actually feeling an increment in value will exceed both areas.

In his admirable paper, entitled: "Paying the bills for city planning" delivered at the Boston conference on city planning, Nelson P. Lewis showed the justice of assessing the cost of rapid transit systems on the properties within their spheres of influence. A recent Philadelphia investigation confirmed the experience of New York City in this regard, by showing that a newly constructed rapid transit line so concentrated the normal general increase of the entire residential areas of the city within its own sphere of influence, as to cause an actual loss for six years in all the other residential areas combined, despite the erection of some 21,000 new houses in these other areas.

These experiences enable the exercise of municipal economy in another important respect.

Before a city proceeds to the undertaking of the construction of such lines, or before it permits their construction, the city should acquire the real estate it will need for all public purposes, whether for parks, playgrounds, parkways, streets, school-houses, police and fire stations, public libraries or what not, in the territory that will be tapped; otherwise, if it waits until it has enormously increased the value of such property and the amount, therefore, which it will have to pay, it will be guilty of rank folly. Elementary prudence dictates action before this unearned increment has actually accrued—unearned, that is, by the owners' money, but earned directly by the city's expenditure of money paid by the taxpayers, where the city constructs the system; and this increment begins long before completion of the new lines. City planning enables the exercise of similar far-sighted economy by present-day expenditure, in many respects other than the rapid transit system—parkways, other main thoroughfares, parks, river front improvements—in fact in the case of every public work where real estate, increased in value by its proximity to one public work, will be needed for another municipal service in the reasonably near future.

It will be observed that I am not here insisting upon the effect of the opening of parks, for instance, on adjacent land values. I am taking it for granted that there is no longer need of persuasion on this point; such testimony as the following: "During the sixteen years following the laying out of Central Park, the average increase in the assessed value of real estate in the other parts of the then city of New York was about 100 per cent while in the three wards then adjoining the new park, the increase was approximately 800 per cent";—has been duplicated in greater or less degree so often, that we are now able to exercise more far-sighted economy. Prompt expenditure is often the truest economy.

The broader financial aspects of city planning are frequently so general and illusory, so incapable of mathematical demonstration, that they have not been appreciated in America at anything like their financial worth to the community.

The manifestations of this monetary benefit fall naturally into two classes, namely, the benefit to citizens through the attraction and circulation of outside money, the magnetic cause of which is to be found in certain city-planning works; and the benefit to the city treasury in the addition to the city's annual income caused by higher assessments for taxation purposes of properties within the spheres of influence of such works. As an example of this lack of appreciation of opportunities, consider the great sum annually lost by American treatment—if utter neglect of glorious opportunities can be called "treatment"—of their municipal river banks. Think, first of course, of the beauty and attractiveness of European water-fronts, the Thames embankment with the Hotel Cecil and other high class properties crowding to its edge; the Seine; the hundreds of other European city rivers; and then, secondly and soberly, and in your counting-houses, compute the municipal money value of those works; in your calculations, assess the actual values of the properties fronting on the Seine, and compare them with what they would be if the Seine looked like the Chicago river; or the Schuylkill below Callowhill street in Philadelphia; or Jones' Falls in Baltimore; or the Anacostia Flats in Washington. Compare the actual values of the properties fronting on the Thames embankments with what they would have been if the river's banks looked the way they did at the beginning of Queen Victoria's reign. Then apply your tax rate to the differences and you will get an index to the primary loss caused by our American ignoring of the scenic value of river fronts. I am emphasizing the municipal value of riparian developments, mainly non-commercial, but there is a spirited, kaleidoscopic, fascinating scenic value and, hence, financial value, to the municipality in commerical water-fronts developed by masters who seek by-products as well as direct results.

So far, of the loss to the city; now of the loss to the citizen.

Compute the value to the citizens of European cities of their river fronts. How much money would Parisians *not get a chance at,* if their river were as dilapidated, as uglified as ours are generally? The sums left by visitors to Paris each year are variously estimated from $50,000,000 up to several times that sum. How much would Parisians lose if the Seine were not a gigantic work in sculpture?

There are not wanting indications that the financial value of a beautiful thing to the community as individuals as well as a municipal corporation is becoming more widely appreciated. In a recent decision concerning the Fairmount parkway, Judge Sulzberger, of the court of common pleas of Philadelphia County, said that such a feature "has an effect directly utilitarian. It increases the attractiveness of the city, induces strangers to visit it, and thus enlarges trade and commerce."

It is a pleasure to note that we are beginning the redemption of our water fronts. Boston has begun it—true in a hesitating, apologetic way, so as not to offend Beacon street!—still it has begun it. Toronto promises to do vastly better. The combination of a commercial and non-commercial development promises to set the precedent for American cities that has been needed so long. The early realization of its plans is, therefore, a matter of financial concern to practically every American city.

If beauty pays, how much does ugliness cost? Do we realize how dearly we are paying every year for our investment in rectangular, gridiron schemes of unattractiveness? City treasuries are losing money and citizens far more. Let us never forget, when discussing parkways, river embankments, park and playground systems, group plans and other physical developments, that there is another side to the picture, the side of the city without parkways, without river embankments, without parks and playgrounds, without civic centers,—the city crowded with overhead wires, with its sidewalks covered by overhanging, threatening signs, the curbs lined with ugly street fixtures. Which pays? Which costs?

FINANCING SMALL HOUSES[1]

BY JOHN IHLDER[2]

New York

MOST human minds are so constituted that they cannot confine their attention to negatives for any considerable length of time. The law since—and probably before—the time of Moses has dealt chiefly in negatives. Thou shalt *not* do certain things specified; but all else is permitted until a new law imposes a further restriction. Such prohibitions are essential to any orderly progress. They are the rules of the game without which there could be no game, and since the beginning of time the rule maker who made wise rules has been honored. But for the rest of us, learning the rules is merely the starting point. After that comes the really interesting task of working, according to the rules, better than anyone else. This we call "constructive." And it is interest in constructive work that has begun to grip many who see the need of bettering our housing conditions. Laws we must have which will forbid our sacrificing the fundamentals of wholesome housing, such as light, air, sanitation, water supply, privacy, protection against fire. Then the field lies open; with these rules accepted who can show us how to provide dwellings that are both better and cheaper than the ones we now build?

Of course this game is old. It began before any records were kept. In modern times the commercial builder has made great progress in it. Recently a combination of business and philanthropy has added a new feature or two. . For all that there seems still to be more unlearned than has yet been learned. A new zest has been given by the housing movement that has spread across the country with such remarkable rapidity during the past four years. The commercial builder and the architect have made the dwellings of well-to-do citizens marvels of convenience—at least they would be so considered by past generations—but they have not done so much for the every-day citizen. To be sure they have given him lights and tubs and toilets, which he already considers necessities and which the rules of the game now often require. But they have either packed him into a flat or given him a house which presupposes the existence of non-existent servants.

Is this the best that can be done for him? Must his family sink its individuality in a modern cliff dwelling or else support the butler's pantries of the plutocrat? Several conferences during the past winter have declared that it is not; but if it is not there are some questions to be answered. The number of these questions is indicated by the special committees appointed on the recommendation of the section meeting on factors in the cost of small houses at the last conference of the National Housing Association.

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[1] See article on "Housing at the Los Angeles Conference," Vol. II, page 68.

[2] Field Secretary, National Housing Association. Editorial writer, Grand Rapids Evening Press, 1902–1908. Secretary, Municipal Affairs Committee, Grand Rapids, 1908–1910. Cornell University, B.S. 1900.—EDITOR.

These committees are to study:

Methods of financing small houses.
Materials and cost of construction.
Street improvements.
Land subdivision.
House plans.
Accounting methods.
Methods and costs and social welfare.
Effect of building and housing codes on cost of construction and maintenance.

So far the first question has taken most of our attention—which perhaps is not surprising in view of the practical nature of the subject. There are in various parts of the United States and Canada a number of individuals and organizations which have undertaken to build improved wage-earners' houses. Each is keenly interested in all the phases of the others' work; type of house, floor plans, thickness of walls, building materials; but first, last and all the time, each wishes to know how the others get their money. Some, with very short experience, believe that if this question is answered, the rest will be easy. Some, with rather longer experience, know that after financing comes building, and that building, especially when every cent counts, presents problems that have not yet been wholly solved. Their dream is that management will prove easy. Those with the longest experience have learned that no part of the game is easy. But they have also learned that the game is so interesting that once in it they won't drop out.

It was financing that held the center of the stage during the past winter. There are two rules in this financing; First, dividends must be limited to a fair return on the investment. So far this has been held to be five per cent or six per cent net. It is no part of the game to gamble on speculative rises in value, for the houses are to be provided at as low a price or rental as is commercially feasible. Nor is it any part of the game to provide houses on the basis of charity. They must pay a fair return on the investment. Second, a reserve or sinking fund must be created that will enable the owners to scrap the houses when they have outlived their usefulness, say in forty or fifty years. These builders do not propose to inflict upon their cities in the future the burden those cities now bear in the form of antiquated dwellings whose owners apparently labor under the delusion that a building is never worn out unless it falls down

The first conference of the year at which the question of financing was discussed was that of the National Municipal League at Toronto, last November. There G. Frank Beer, president of the Toronto Housing Company, presented a paper describing the Ontario method.[3] He started with the following assumptions: A large amount of money is needed; for Toronto, like most other thriving industrial cities, is woefully underhoused so far as the wage-earner and especially the unskilled wage-earner is concerned. This money must be obtained at a cheap rate of interest in order that rents may be kept down. Large amounts of money at cheap rates of interest are not to be obtained through private agencies, at least not in a new country where investors find tempting chances for investment at two or three times 6 per cent. "Ontario as a whole and Toronto in particular is faced with a development which demands our entire financial resources to supply the necessary industrial expansion and trade credits." Then he added: "Housing is a *communal* responsibility. If individual initiative fails to supply decent houses in which our citizens may live, it is the duty of the city or state to supply the need, or to bring about some means by which the need will be supplied."

So the group of men represented by Mr. Beer secured from the provincial legislature an act authorizing a city to guarantee the securities of housing companies up to eighty-five per cent of their value. The plan embodied in the act is as follows:

1. Permission to form under the joint stock companies act a company having a share capital and the necessary powers to carry out the objects in view. Shares in such company to be sold at par and to an amount sufficient to provide the necessary margin for the securities to be issued by the company. If the shareholders provide fifteen per cent of the cost required to purchase lands and erect dwellings, etc., the municipality may assist by its guarantee of securities in raising the balance.

2. If the council of the municipality is satisfied that additional housing accommodation is urgently required and that the main object of the company is to give *bona fide* help in supplying such need and is not to make profit, the council may pass a by-law authorizing and providing for the giving of the guarantee. The act also provides that the council or a committee of the council, before the guarantee is given, must approve of the location of the lands and of the general plans for the houses.

3. Provisions are made with reference to the deeds of trust, the kind of securities, form, etc., and for the issue of further securities from time to time as additional lands are acquired and improvements made, provided however, that the total amount of guaranteed securities outstanding shall not exceed eighty-five per cent of the value of the lands, dwellings, etc.

4. The council of the municipality guaranteeing the securities shall appoint a member of the board of directors of the company. The books of the company shall at all times be open to inspection on behalf of the municipality.

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[3] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 237.

5. No dividend on the capital stock of the company shall be paid exceeding six per cent per annum.

6. If the municipality desires to acquire the holding of the company it may do so by purchase of the shares in the open market or by the company passing a by-law transferring its holdings. In such case no greater premium than ten per cent shall be paid for the shares of the company.

7. The principle embodied in the act is that the municipality may ultimately become the owner of the properties but as municipal management is not likely to prove as efficient as management by private individuals deeply interested in this work, the creation of a board of trustees is provided for to receive and hold the shares purchased, given or bequeathed. This board shall be established upon terms agreed upon by the company and the municipality.

8. To prevent any watering of stock or the making indirectly of any profits by land-owners, contractors, etc., the act provides that no stock in the capital of the company shall be sold for any consideration other than cash, and that money received by the company on account of its capital stock shall not be used for expenditures not connected with the carrying out of the main purpose of the company.

9. An important provision is likewise included whereby the guarantee of securities by the municipality is made possible without a vote of the ratepayers if the by-law providing for such guarantee is approved of by the provincial board of health.

The three underlying principles, said Mr. Beer, are: private initiative government encouragement and guidance, public coöperation.

In the discussion which followed it was argued that this plan embodies certain dangers. First, there is the upsetting of our theory of the function of government. The function of government has been, to most of us, the holding of the scales, seeing to it that the members of the community deal with each other fairly and in such a way as to best serve the interests of all. It is *not* the function of government, according to this theory, to become a competitor while at the same time retaining the judicial office. However that may be, the practical question is, what will be the effect of having the government build houses, or loan its credit for the building of houses? Leave out the item of unfair competition with other builders who must pay commercial rates for their money—it is argued that commercial builders either are not erecting houses for the class of people under consideration, or, if so doing, are erecting houses below a wholesome standard which consequently are against the public welfare. Consider only the effect of the government both setting minimum standards and at the same time building houses. The government at once faces this dilemma, an unusual dilemma, for it has at least three horns: the houses must conform to the standards set, they must pay a fair return on the investment, they must rent within the means of the unskilled workman.

It is assumed that the standards are the minimums which will permit of wholesome family life. It is known that these standards are not met in the houses now occupied by the people whom it is proposed to reach, otherwise the question would never have been raised. The government's advantage is that it can get money at one or two per cent cheaper than competing builders. This is a small margin and so far as experience shows is not enough to enable it to rehouse, with a five per cent or six per cent net profit, the family of small income at the same rent that family had paid before. Moreover there are some compensating disadvantages. The government, or its subsidiary company, must set aside a sinking fund to pay for the houses when they have outlived their usefulness. Its private competitors often carry no such charge, though perhaps they should, but hope for a rise in land values to recoup them when the building must be demolished. The government then is likely to find itself sooner or later asked; first, to lower its standards—the United States government and the city of Boston have recently agreed to break, or at least bend the law limiting the heights of buildings in Boston so that a federal skyscraper may be erected; second, to forego part or all of the interest due on the investment—that is, make a grant in aid of wages to its tenants; or third, to raise the rents to such an extent that a considerable proportion of the population, and the part that needs it most, cannot afford to live in the municipal dwellings.

Of course there are other things that the government could do. It could exempt wage-earners' dwellings from taxation, which means a grant in aid of wages in somewhat different form. This is proposed in Massachusetts. It could enact minimum wage legislation that will enable the worker to pay an economic rent. But if it does that, what is the use of its facing the dilemma at all? And is its position not weakened if it says to the employer, in effect, you must pay higher wages so my tenants can pay me a profit on my investment?

Then came another argument. The whole scheme is based upon the theory that the government is going to aid a certain class in the community. In the United States, at least, it is unconstitutional to spend public money for the benefit of a class in the community. There are numerous court decisions based upon the giving of bonuses to manufacturers and there is the opinion of the Massachusetts supreme court upon the proposal of the homestead commission to use state money in building homes.[4]

Even if it were constitutional, is it good public policy? There are other classes in the community which find the struggle to maintain a good roof over their heads almost or quite as difficult as that of the skilled wage-earner who is being provided for in Toronto. And, in strict justice, if they are to be given government grants of money or credit, why should not all? We are assuming that the discussion deals only with those who are considered self-supporting, not with dependents, defectives or delinquents who are generally acknowledged to be proper subjects for government aid or support. Is it not well to maintain this classification? Then, if need be, we can move the line up, classing as dependents those who are not able to earn enough to support themselves decently. Perhaps this raising of the line would take it above the heads of many industrious workers who are sound physically, mentally and morally. If it did we would have to answer some questions that we now incline to shirk, and that government grants in aid of wages[5] may enable us to continue shirking. Why should not a sound, industrious man be able to house his family decently on his earnings? Is it because he himself lacks training or opportunity? Is it because someone else is profiting unduly at his expense? Is it because of other reasons that we should know and can change? Answering these questions probably would involve more work than granting government aid, but is it not work that we shall have to do sometime?

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[4] See *The Commonwealth of Massachusetts House No. 2339 of 1912.* Since this opinion was given an amendment to the constitution has been drafted which has passed the legislature and will probably be submitted to the people next year.

Mr. Beer said that "housing is a *communal* responsibility." Later, at the National Housing Conference in Cincinnati, W. S. B. Armstrong, secretary of his company, compared the provision of houses in a community to the provision of sewers, which is usually undertaken at public expense. Sewers are provided, theoretically at least, and we hope that some day they will be actually, for the entire population. There is no definite proposal yet that houses be so provided. There then arises the question, for the benefit of what section of the community are they to be provided? Mr. Beer said, "In making provision for that class of labor which industry so much requires, it will give a tremendous impetus to manufacturing in Ontario." And again, "Large employers of labor may work with the municipality in supplying houses for all their employees. This is a *better way* of advancing municipal development than by *bonusing*.[6] Let the cities and towns of Ontario offer as an inducement for new industries a municipal guarantee of housing bonds, care being taken to provide a sinking fund ample to retire the bonds well within the usable life of the buildings. So the housing conditions of the municipality would be benefited, the workers provided with suitable dwellings, often under present conditions a matter of gravest difficulty, and the well-being of the whole community would be secured rather than the advantage of any one class." Again, "We do not claim that this is a solution of the *slum problem*. So far the Toronto housing company has engaged itself only to provide housing for the working men upon whom so large a share of our progress depends. Later on we may do something for other classes of labor. The act provides for the whole principle of housing."

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[5] It was claimed that the Ontario plan is not a government grant in aid of wages. See discussion later.

[6] The italics are Mr. Beer's.

Immediately the question was raised, "Is not this simply another form of bonusing?" Admitting that the act provides 'for the whole principle of housing,' is there any serious proposal to extend the operation of that principle both up and down so as to include the whole community? Admitting that to provide factory employees with good homes partly at public expense will, indirectly, benefit the whole community, how does the argument differ from that advanced in support of straight bonuses which brought new industries and new wealth into the town?

The answer to this was that it is not done at public expense. The government does not advance any money, but simply loans the use of its credit. Without government guarantee, however, it was claimed, the bonds could not have been sold on a five per cent basis, as the Toronto bonds were. Evidently the money was available if the security was ample. The inference was that investors were doubtful as to the ability of the company to meet its obligations, but were confident that the city of Toronto could make good any loss. There probably was no justification for such doubt on the part of the investors; the well-managed Washington sanitary improvement company for instance has persuaded its community that there are few safer investments than that afforded by its five per cent stock. But this doubt apparently was the cause of reluctance to invest without government guarantee. Now admitting, for the sake of the argument, that the fear is justified; if the company extends its operations to such an extent as to meet fairly adequately the needs of the artisan population—taking no account of the pressure that is sure to be brought to bear upon it to provide for those of smaller earning capacity and thereby assume greater risks—is there not danger that it will begin to impair the city's credit? Is there not a chance that interest on city money, borrowed not alone for housing, but for the ordinary purposes of city government, will rise until city money is no longer cheap money? And in that case is not the city paying for the housing of a part of its population?

The answer is that this is far fetched. Perhaps; but the whole question is so big, a little beginning may lead to such great consequences, that far fetching may not be entirely unprofitable.

The above account adds to the discussion at Toronto parts of discussions at other places. For Mr. Beer later presented the Ontario plan of financing at the housing conference in Cincinnati, where it aroused great interest, though two other methods shared the attention of the delegates. One of these was the purely private company plan, so successfully carried out by the Washington sanitary improvement company whose $500,000 of five per cent capital stock has a waiting list of would-be purchasers.

The methods of this company were described in detail at the housing conference the year before. Prudent and careful management has, during the sixteen years of the company's existence, so increased its assets that it now has a surplus of $190,000, and its dwellings are said to be in practically as good condition as when they were erected. It has paid without interruption five per cent on its stock since the first year of its existence.

This company was taken as a model by the Cincinnati sanitary housing company, which was in process of organization at the time of the housing conference in December. It proposed to raise through subscriptions a paid-up capital of $500,000 with dividends limited to five per cent. It has not found this an easy task, but the outlook is promising.

The other plan presented at Cincinnati was that of the Massachusetts homestead commission. Strictly speaking, the Massachusetts homestead commission presented three plans, though the greater part of the discussion dealt with the third. First was the limited dividend company, such as the Washington and Cincinnati companies above described. Second was what it calls homestead aid, which applies the principle of the building and loan association to collective developments with participation by the resident. Third was the copartnership plan, distinguished by collective ownership of the property, each resident renting from the company, of which he is a member.

"The advantages of this plan are far reaching," said Arthur C. Comey, the member of the commission who presented it. "Capital may be secured at a very low rate; economies will be effected through wholesale operation and responsibility by the tenant in the property, and he is secured from loss if he has to leave."

The plan is as follows:

A prospective resident must be approved and must take up two shares of common stock. He will pay a reasonable rental and share all surplus profits. Dividends on rent and common stock will be credited in common stock until the value of twenty shares is reached, outside capital being gradually retired. The cost of repairs will be deducted from the twelfth month's rent and the remainder remitted, thus further encouraging care in the use of property. The resident can invest his savings in the company at five per cent. Ownership being common, not individual, he is secured from loss if he has to move away.

The directors will ultimately be elected by common stockholders, but preferred stock will be represented until common stock is about one half paid up. Shares shall be 500 common and 1,500 preferred, of $100 each. Common stock shall be paid not less than ten per cent upon allotment and installments of one dollar per month per share. Dividends shall not exceed five per cent. Preferred stock shall be paid in full, dividends not to exceed five per cent cumulative. It may be retired at par on a year's notice. First mortgages at five per cent will be placed on completed houses up to sixty per cent of their value. A reserve fund shall be established after Preferred dividends are paid, at the rate of one per cent per annum until it equals the value of the stock.

With 2,000 shares subscribed 250 houses can be built. The committee will secure options and call a meeting when about one fifth is subscribed.

Mr. Comey in the course of his statement also argued for government aid in financing housing developments, saying that nowhere in the world has private initiative solved the housing problem, consequently it is necessary to seek government aid.

Issue was at once taken on this point. Mr. Armstrong of the Toronto housing company declared that government aid is not wanted; that the only assistance or aid that constructive housing wants from the government is some form of legislation that will enable us to get large amounts of capital at a low rate of interest. The improvement of housing must be a business proposition. Another delegate asked if, in view of Mr. Comey's statement that private initiative has everywhere failed, he could point to an instance where government aid has succeeded in solving the problem. In reply he referred to a report for which the commission was gathering data that would probably contain the information.

Mr. Armstrong further contended that copartnership housing is not, necessarily, a government aid proposition, that the fundamental idea in it is community or company control. To the uninformed workingman this means restraint to which he objects, but this restraint is far outweighed by the advantages the plan provides. Other delegates differ from this view, maintaining that there is a moral advantage in free ownership of one's home that the copartnership plan loses. The reply was that it substitutes something of even greater value, a sense of community responsibility. Then came a counter attack on individual ownership; the burden of taxes makes the small house owner oppose public improvements; the burden of paying for the house makes him stint his family on food and clothes; and in the end he has a property whose value may be depreciated at any moment by the action of neighboring owners over whom he has no control.

The financial phase of the plan was sharply attacked. Andrew Wright Crawford of Philadelphia[7] declared that coöperation has always been a failure in America and that one of the points claimed in favor of copartnership shows it will ultimately prove a failure in England. Under copartnership labor is assured of mobility because the working man may quickly move from place to place as the copartnership company will, on demand, take his house off his hands. But some day the company will fail and so be unable to pay for the property.

The possibility of financial failure was admitted by advocates of the plan, but one of them, George E. Hooker of Chicago, instanced the great coöperative organizations of Great Britain which, after successive failures, have finally struck life and are now among the great business organizations of the country. He was not sure, however, that housing need be considered on a business or profit-making basis, any more than a school or college education, which is not paid for according to value received. But on this point there is apparently difference of opinion in the land from which he drew his illustrations as to what is sound principle for a recent report of the unofficial land inquiry committee (Great Britain) states that the housing problem will be solved only by ensuring the laborer such a rise in wages as will enable him (a) to live in a state of physical efficiency, and (b) to pay a commercial rent for his cottage.

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[7] See National Municipal Review, Vol. III, page 474.

In this discussion Augustus Thorndike, bank commissioner of Massachusetts, told of the opportunities a would-be home owner has in his commonwealth. There are in the state 450 savings banks and coöperative banks with deposits of nearly $950,000,000. The savings banks, which are mutual banks, have $450,000,000 invested in 140,000 mortgages on real estate; the coöperative banks have 150,000 share-holders and they have 47,000 mortgages on real estate. These coöperative banks are owned by their share-holders and will advance eighty per cent of the cost of a home to any one who has accumulated savings equal to twenty per cent of its value, the security committee, selected from the shareholders of the banks, certifying that the value of the property will be twenty per cent more than the amount of the loan.

One other method of financing small houses was described by Dr. Lee K. Frankel of the Metropolitan life insurance company, at the Massachusetts city and town planning conference held in Boston last fall. Dr. Frankel had, at the National housing conference a year before, described the method by which the Metropolitan advanced approximately $650,000 to a building company for the erection of small houses in Brooklyn. The price of a house was $5,500. The life insurance company took a first mortgage of $3,250 payable in semi-annual installments during a period of twenty years. The building company took a second mortgage of $1,500 payable in quarterly installments during a period of twelve years. The purchaser made an initial payment of $750. This figured out, with taxes, water rates and fire insurance, a total annual payment of $522.98 during the first twelve years, or an average of $43.58 per month, and a total annual payment during the last eight years of $346.70, or an average of $29 per month.

At the Boston conference Dr. Frankel described a more recent experiment by the Metropolitan in assisting in the erection of small houses, which indicates that the funds of these great corporations can be used to improve housing conditions for people of smaller means and, by so doing, improve the health of communities of which their policy holders form so large a part. This second experiment was made in coöperation with Frank A. Seiberling, president of the Goodyear tire and rubber company of Akron, Ohio. The insurance company loaned $86,000 for the construction of houses on the outskirts of Akron. This loan was made to Mr. Seiberling and is doubly protected by a mortgage on the individual houses and a bond by the Goodyear Heights realty company, a subsidiary of the Goodyear tire and rubber company. These houses form part of a garden suburb development which is convenient of access to the factory and to the center of the city.

The land was purchased as acreage at $300 per acre, making the purchase cost of the 100-acre tract $30,000. Improvements, excavating, road and sidewalk building, sewers, grading, planting, etc., brought the total cost to $210,675 which was distributed among the 430 lots into which the tract was divided. Some of these lots sell as low as $240, others as high as $760. The Goodyear company disclaims any intention of making a profit on the development, its purpose, apparently, being similar to that of some of the subsidiaries of the United States Steel corporation and other manufacturing concerns which build dwellings for their employees and rent them at low rates on the theory that, while they do not bring in a direct return on the investment, they do increase the efficiency of the business, and thus pay for themselves.

The selling price of house and lot is then figured on an actual cost basis, to which twenty-five per cent is added in order to prevent speculation on the part of purchasers. On this amount two mortgages are placed, both at six per cent. The first mortgage is taken by the Metropolitan life insurance company for about one half the value of the property; the second by the Goodyear company, covering the balance of the purchase price. No initial cash payment is demanded. The purchaser pays the Goodyear company in semi-monthly installments, the first mortgage being paid off in fifteen years, the second in twelve. Opportunities are given the purchaser to make additional payments at any time within these periods. At the end of five years the company credits the purchaser with twenty-five per cent of the purchase price, plus interest.

Dr. Frankel presented a series of tables showing just how this plan works out and how it can be combined with a life insurance policy which will clear the property of all encumbrance in case the bread-winner dies before the completion of the fifteen-year period. The payments on the property, exclusive of life insurance, would, for a property costing $2,288—real estate value $2,860 or twenty-five per cent additional—be $6.03 semi-monthly during the first five years and $4.44 semi-monthly during the remaining ten years, for the first mortgage, and $6.98 semi-monthly during the first five years and $4.01 semi-monthly for the remaining seven years for the second mortgage.

The plans outlined above, the use of government credit or money, the simple limited dividend method, the coöperative bank loans, the copartnership scheme, the use of funds supplied by a life insurance company, do not cover all the proposals now being made for the financing of small houses. Nor have the discussions of these plans been thorough enough to warrant us in either accepting unreservedly or discarding any one of them. The question is still open and further light may cause us to change present opinions. These plans do, however, embody the principles along which the builders of wage-earners' dwellings are working and they have behind them most of the experience now available as a basis for discussion. It may be that the Ontario method and the use of government money will not lead Toronto and Massachusetts into the dangers prophesied, or into others not now foreseen. It may be that limited dividend companies can secure ample capital. It may be that copartnership will prove a financial and social success. It may be that the great funds of the insurance companies may be made more and more readily available and at lower rates. We are still very near the beginning of our attempt to find a better method than the traditional ones of financing small houses. The important point is that many men in many places are working on the problem by different methods. In time the pragmatic test will enable us to decide which is the best.

THE SEGREGATION OF THE WHITE AND NEGRO RACES IN CITIES BY LEGISLATION[1]

GILBERT T. STEPHENSON[2]
Winston-Salem, N. C.

FOR many years there has been a real, but ill-defined, separation of the white and colored resident districts in cities, in the north and west as well as in the south. It was in the fall of 1910 that the first move was made thus to separate the races by legal enactment.

Baltimore has the distinction of having initiated the movement. For some years there had been friction between the races in Baltimore which had largely come about by colored people moving into white neighborhoods. Such friction reached a climax in 1910, when a colored man moved into the eighteen hundred block of McCulloh Street, which was a white community. Immediately the white people in that neighborhood held a series of meetings and determined to take a positive stand against further encroachment by negroes upon white blocks. The agitation resulted in the enactment of the West segregation ordinance, which is the first segregation law ever enacted. In a test case in the early part of 1911, this ordinance was held invalid. Immediately thereafter the city council passed another ordinance to obviate the defects of the first one. Some doubt arose as to the regularity of the passage of this second ordinance, and the city council passed a third ordinance, this one in almost precisely the same language as the second one. The constitutionality of the third ordinance was tested in the case of *State* v. *Gurry* which went to the Maryland Court of Appeals. This ordinance was, in turn, held unconstitutional because it did not properly protect vested rights. Not to be outdone, the city council forthwith passed a fourth ordinance on September 25, 1913. Baltimore is acting under its fourth segregation ordinance, all four of them having been enacted within the course of three years.

The second city to enact a segregation ordinance was Richmond, Virginia, this on April 19, 1911. Two months later, Norfolk passed a segregation ordinance which has been amended twice and which has recently been before the ordinance committee of the city council to make it conform to the state segregation statute. In September, 1911, Ashland, Virginia, passed a segregation ordinance which practically copied that of Richmond. On March 12, 1912, the legislature of Virginia enacted a statewide segregation law which permits cities and towns so desiring to segregate the races. On May 1, 1912, Greenville, South Carolina, passed a segregation ordinance which practically copied the second Baltimore ordinance. On June 13, 1912, Winston, North Carolina, passed segregation ordinance which, however, was superseded on July 5, 1912, by an ordinance modelled after that of Richmond.

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 177.

[2] Mr. Stephenson who is a graduate of Wake Forest College and of the graduate and law schools of Harvard, has written a book on "Race Distinctions in American Law." He has taken an active part in public affairs and has been a frequent contributor to law reviews and other publications. He is now the solicitor of the municipal court in Winston-Salem and is one of the attorneys in cases involving the subject about which he writes.

On March 15, 1913, Roanoke, Virginia, moving under the state statute, segregated the races. In June, 1913, Atlanta, Georgia, passed an ordinance like the second Baltimore ordinance. Anderson, South Carolina, has a segregation ordinance, but the date or character of it has not been ascertained. Greensboro, North Carolina, has been the last to segregate the races, its ordinance, which was passed in February, 1914, being practically a copy of the Winston-Salem ordinance.

The following cities now have segregation ordinances: Baltimore, Norfolk, Richmond, Ashland, and Roanoke, Virginia; Winston-Salem and Greensboro, North Carolina; Anderson and Greenville, South Carolina, and Atlanta, Georgia. Portsmouth, Virginia, is now moving under the state law towards the enactment of such an ordinance. The city council of St. Louis has recently passed a segregation ordinance. The cities of Charlotte, North Carolina, Charleston, South Carolina, New Orleans, Louisiana, Meridian, Mississippi, and Oklahoma City, Oklahoma, have discussed the segregation of the races but have never legislated upon the subject.

Segregation legislation may be divided into four types. The characteristic feature of the first, which may be conveniently designated the Baltimore type, is that it applies only to all-white and all-negro blocks and does not undertake to legislate as to blocks upon which both white people and negroes live. The ordinances of Greenville and Atlanta belong to this type, except that the Greenville ordinance has recently been amended so as to make it apply to blocks upon which two-thirds, instead of all, the residents belong to one race. Under the second type, known as the Virginia type, a state statute enables cities so desiring to divide their territory into districts and to designate which districts are to be for white residents, and which for colored residents. The general assembly of North Carolina in 1913 considered but did not enact such a statute. Roanoke and Portsmouth are the only two cities that have acted under the state law. The distinguishing feature of the third or Richmond type is that it undertakes to legislate for the whole city, declaring a block white whereon a majority of the residents are white and colored whereon a majority of the residents are colored. The ordinances of Richmond, Ashland, Winston-Salem, and Greensboro belong to this type.

The Norfolk ordinance is unique in that it makes ownership as well as occupancy of property determinative of the color of the block.

The unit of segregation is usually a block; and the simplest definition of a block is "that portion of any street between two intersecting streets or alleys." In Baltimore, Atlanta, Winston-Salem, Greensboro, Richmond, Ashland, Norfolk, and cities moving under the Virginia statute, the block includes the houses on both sides of a street. So did the ordinance of Greenville as it originally read, but on September 9, 1913, it was so amended as to make a block refer only to the houses on one side of the street.

In Baltimore and Atlanta a block is known as a white block only when all the residents thereon are white and a colored block when all the residents are colored. In Greenville, if two thirds of the residents are white, it is a white block and colored, if two thirds of the residents are colored. Under the Virginia state law a district is colored if the number of colored residents equals or exceeds the number of white residents, and white if the number of white residents exceeds the number of colored residents. Here is an interesting distinction. If, for instance, there are fifty residents in a given district, twenty-five of them belonging to each race, it is a colored district; but if twenty-four are colored and twenty-six white, it is a white district. This obviates any confusion that may arise where the number of white and colored residents is exactly the same. In Richmond and the other cities with ordinances of that type a block is white if a majority of the residents thereon are white and colored if a majority of the residents are colored. There is no provision in these ordinances for the case whether the white and colored residents on a block are equal in number. In Norfolk a block is white if a majority of the frontage of the street in question between two intersecting streets is either owned or occupied by white people, and colored, if owned or occupied by colored people.

Certain persons are excepted from the application of the ordinances. In all of them domestic servants of another race are permitted to live in the house or on the block with their employers. Some confusion might arise as to who are to be included as domestic servants.

The last Baltimore ordinance and the Virginia statute define a resident of a block as being any person occupying any room therein as a sleeping place, whether as owner, tenant, dependent, boarder, lodger, or otherwise, unless it appears that such occupation is merely transitory and that such person has another fixed place of abode.

Most of the segregation ordinances go farther than merely to prohibit people of one race occupying as residences houses on blocks set apart for the other race. In the Baltimore ordinance of 1911, for instance, people of one race were prohibited from using any house in a block set apart for the other race for a church or school; but this provision as to churches and schools was left out of the last Baltimore ordinance. The Atlanta ordinance covers schools and churches. The Richmond ordinance and those of that type cover residences, schools, and places of public assembly. In Norfolk a colored person is not permitted to use or occupy for any purpose, except a store, a house on a white block. The same rule applies to white people. The Greenville ordinance goes farther than any of the others and makes it unlawful for a white person to use a house as a residence or place of abode, hotel, boarding house, restaurant, place of public amusement, store, or place of business of any kind in a colored block and has the same prohibitions as to negroes in white blocks.

The Baltimore ordinance of 1911 and the Greenville and Atlanta ordinances make special provision for opening up vacant blocks and for throwing blocks theretofore all-white or all-colored open to both races. In Greenville, if the owner wishes to build upon a vacant lot in a block whereon there are no residences, he must make application for a permit to build to the inspector of buildings, declaring whether the residences are to be used by white or colored persons. The inspector thereupon publishes the application twice a week for two successive weeks in one or more daily newspapers in the city. Unless, within five days after the date of the last publication of the notice, protest is made in writing to the inspector by a majority of the property owners in the block against the use of the proposed house as a residence by the race mentioned in the notice, the permit is issued. The permit to build the first house upon the block determines the color of the block for subsequent builders and occupiers. Under the Baltimore ordinance of 1911, if the owner of the vacant lot, at the time of making his application, filed with the building inspector the written assent of the owners or at least one-half the property fronting on the block, then the building inspector might issue the permit without publishing the application. The last Baltimore ordinance makes no provision for building up vacant blocks. The Atlanta ordinance is, in this respect, like that of Greenville.

Sometimes, in the course of the development of the city, the character of a neighborhood changes and what was once a desirable district may become a tenement district. The ordinances make provision for this change by allowing all-white or all-negro blocks to be thrown open to both races where the advisability for so doing appears. A majority of the property owners in any block may make application to the building inspector to declare the houses on the block to be open for occupancy thereafter to both races. The inspector thereupon notifies the police commissioners that the block is no longer subject to the provisions of the ordinance. As soon as the application is filed, either white or colored persons may move into the block. If, however, later the block becomes all-white or all-colored, it immediately becomes subject to the provisions of the segregation ordinance again. This provision is found in the Greenville and Atlanta ordinances and in the Baltimore ordinance of 1911, but is not found in the last Baltimore ordinance. Though, as has been said before, the ordinances of the Baltimore type apply only to all-white and all-colored blocks, still even in these cities the two races are not permitted to move about in mixed blocks as they please. In Atlanta, for instance, it is unlawful for a colored person to move into or use as a residence any house that has previously been occupied by white people and where white people are still living in adjoining houses without the consent of those white people; and, similarly, it is unlawful for a white person to move into a house previously occupied by a negro without the consent of the negroes in the adjoining houses. Under the ordinances of the Richmond type, before a person can build upon a vacant lot he must state whether the house is to be used by white or colored people, and the proper authority must not issue a permit unless the applicant complies with the law.

Suppose a negro had moved into a white neighborhood before the ordinance was passed. Or suppose he had bought a house in a white neighborhood, but had not moved into it at the time the ordinance was passed. Or suppose he had a vacant lot on a white block and wished to build upon it and use the house as a residence after the ordinance was passed. Protecting vested rights has occasioned considerable difficulty to the framers of these segregation ordinances. The Baltimore ordinance of 1911 made no reference to vested rights, and in the case of *State* v. *Gurry* was declared unconstitutional for this reason. The ordinance of September 25, 1913, which was passed to conform to the opinion of the court of appeals in this case, provides that nothing in the ordinance "shall be construed or operate to prevent any person, who, at the date of the passage of this ordinance, shall have acquired a legal right to occupy, as a residence, any building or portion thereof, whether by devise, purchase, lease, or other contract, from exercising such legal right." The Atlanta ordinance was amended while it was pending in June, 1913, by providing that it should not cause any change in the status of the races as to prevent occupying or ownership, and no member of either race should be forced to move from any present location, but the entire ordinance should be operative as to the future. The Greenville ordinance, which was modelled after the Baltimore ordinance of 1911, has apparently not yet been amended to meet the defect found by the court in the case of *State* v. *Gurry*. As the Baltimore and Atlanta ordinances now read, the negro who owned property on a white block before the passage of the ordinance can build upon it and occupy the house as a residence even since the ordinance was passed, but he cannot now sell it to another colored person to build upon and occupy as a residence. The Virginia statute provides that it is not to be construed or to operate to prevent any person, who, on the date of the adoption of the ordinance, shall have acquired a legal right to occupy as a residence any building or part of a building and who shall not on that date have moved into such premises. The ordinances of the Richmond type provide that they cannot be construed to affect the location of residences made prior to the approval of the ordinance. And the Norfolk ordinance does not interfere with the continued use or occupation of property in the same manner in which it was used or occupied at the time the ordinance went into effect.

The penalties for violating the segregation ordinances vary considerably in the different cities. The last Baltimore ordinance makes the violation of any of its provisions a misdemeanor punishable by a fine of not less than five dollars nor more than fifty dollars or by imprisonment not less than thirty days nor more than twelve months. In Atlanta, one who violates the ordinance may be fined not over one hundred dollars or sentenced to work on the public works not over thirty days. In Greenville, the violation of the ordinance is punishable by a fine of not over fifty dollars or imprisonment not over thirty days. The violation of the Ashland ordinance is punishable by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment not less than thirty nor more than ninety days; in Richmond, by a fine of not less than one hundred dollars nor more than two hundred or imprisonment not less than thirty nor more than ninety days; in Winston-Salem, by a fine of fifty dollars or imprisonment thirty days; in Norfolk, by a fine of not less than one dollar nor more than ten dollars or by imprisonment not over six months, or both; and any city operating under the Virginia statute, by a fine for the first week of not less than five dollars nor more than fifty and two dollars for each succeeding day of such residence. Each day's violation of the ordinance is considered a separate offense.

Inasmuch as the Virginia state statute is the only one of its kind, it is well to consider some of the features of it which have not been considered in the foregoing analysis of the ordinances. This statute permits cities and towns so desiring to adopt an ordinance segregating the races after the following plan: The entire area of the city or town is divided into districts. The boundaries of the districts must be plainly designated in the ordinance. Each district must comprise not less than the entire area fronting on any street or alley and lying between two adjacent streets or alleys or between any street and an alley next adjacent thereto. Within six months after the segregation ordinance is passed, the city council must have prepared a map showing the boundaries of the segregation districts and showing the number of white and colored persons within each district on a date designated in the ordinance; this date must be within sixty days of the passage of the ordinance. The map, when it is certified by the clerk of the council, becomes *prima facie* evidence of boundaries and racial designation of districts. The map is kept open for inspection and, if any person feels aggrieved, he may, within sixty days from completion of the map and within eight months from the adoption of the ordinance, give notice in writing to the clerk of the council of the way in which he is aggrieved; and within thirty days of such notice he may bring an action in the corporation court or before the judge in vacation to make such corrections of the map as are needed. A white district is one in which on the date designated in the ordinance there were more residents of the white race than of the colored race; and a colored district is one in which there were on the same date "as many or more residents of the colored race" as there were of the white race. The races may shift as they please during the first twelve months after the ordinance is adopted. After that, it is to be unlawful for a colored person, not then residing in a white district, or who is not a member of a family residing in a white district, to move into or occupy as a residence any house or part of a house in a white district and, similarly, it is unlawful for a white person to move into a colored district.

The constitutionality of the fundamental principles of race segregation has not yet been finally determined. Several cases are now pending in the inferior courts and are on their way to the supreme court. In the case of *State* v. *Darvell*, (81 S. E. 338), which involved the constitutionality of the Winston-Salem ordinance, the Supreme Court of North Carolina held that a city council, in the absence of specific authority from the state legislature, could not segregate the races under the "general welfare clause" of its charter. The court did not intimate what it would hold if the legislature were to pass such an enabling statute as Virginia has. The new ordinance of Roanoke, which was passed under the state law, has recently been tested in the court of that city, and the case has been made up for appeal to the supreme court of Virginia. In the case *State* v. *Gurry*, the Court of Appeals of Maryland considered the constitutionality of the Baltimore ordinance of 1911, and held that this particular ordinance was invalid because it did not properly protect vested rights but added, as a dictum, that the fundamental principle of segregation was constitutional. The court said,

> If the welfare of the city, in the minds of the council, demands that the two races should be thus, to this extent, separated and thereby a cause of conflict removed, the court cannot declare their action unreasonable. It was acknowledged by the counsel for the appellee, both in the brief and in verbal argument, that for years there had been more or less friction resulting from the occupancy by colored people in houses in blocks theretofore occupied wholly by white people. With this acknowledgment how can it be contended that the city council, charged with looking to the welfare of the city, is seeking to make an unreasonable use of the police power when it enacts a law which, in their opinion, will tend to prevent the conflict?

The Circuit Court of Hanover County, Virginia, in the case of *Town of Ashland* v. *Coleman*,[1] held the Ashland ordinance constitutional. The Court of Appeals on Maryland, in the case of *State* v. *Gurry*, has held the principle of segregation constitutional, though at the same time declaring a particular ordinance unconstitutional. What the Supreme Court of the United States will say is the next question. This court has upheld laws separating the races in schools, in railroad cars, in street cars, in places of amusement, and in other public places. It has, also, time and again, upheld the laws prohibiting intermarriage. It is true that all of these race distinctions are limitations upon the personal rights of people. The segregation of the races as to residence would be a limitation upon property rights. May a state or a municipality, under its police power, place restrictions upon the property rights of its citizens as it has upon their personal rights? In other words, is there any inherent difference between separating the races in public conveyances and in public places and in separating them in their residences, provided vested rights are properly protected? The supreme court of North Carolina has said that the police power of a city cannot be stretched to embrace such drastic legislation.

After all, the more important question about a segregation ordinance is not whether it is constitutional, but whether it is just to all parties concerned. If segregation is right in principle, then it will probably be possible to frame a statute that will conform to constitutional limitations. If, on the other hand, it is not right in principle, then the fact that a statute can be drawn to satisfy the constitution will not justify its adoption.

The following are some of the considerations that have had weight with the various city councils in their consideration of these ordinances. Wherever colored people encroach upon a white neighborhood, the land values in that neighborhood immediately tumble. The white people who live on the mixed blocks are, in most instances, less thrifty than those living in the all-white communities and the only danger of race mixture in this country lies in the close association of the lower elements of the two races. This is the conclusion that Ray Stannard Baker reached in his "Following the Colour Line," writing from the standpoint of a northern man. Dr. Edgar Gardner Murphy reached the same conclusion, approaching the subject from the viewpoint of a southern man. Ex-President Roosevelt, writing in *The Outlook* of February 21, 1914, of the "Negro in Brazil," said, " . . . in the lower ranks intermarriages are frequent, especially between the negroes and the most numerous of the immigrant races of Europe. In the middle class these intermarriages are rare, and in the higher class almost unknown so far as concerns men and women in which the black strain is at all evident." Race feeling between the less thrifty white people and the negroes is much more pronounced than the feeling between the thrifty members of the two races. The negroes who have done violence to the persons and property of white people have usually belonged to the lowest element of that race, and the white people who have taken the law into their hands and committed murder by lynching have usually belonged to the lowest element of the white race. The city councils have thought it wise to promote race purity and race harmony by separating, in so far as it is possible to do so by law, the lower elements of both races. Voluntary segregation has fixed the residences of most of the white people and negroes in different districts. Segregation by legislation will, therefore, affect only those who live in the twilight zone between the distinctly white and the distinctly colored communities. If the city council, by laying down a definite way of determining the color of a block, can let the people know which are thereafter to be white blocks and which colored, they can do a great deal towards clearing up this twilight zone and this will, in turn, do much to allay race prejudices and promote race harmony.

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[1] 19 Virginia Law Register, October, 1913, p 427.

The segregation of the races in cities by legislation can in no wise be justified if it means the neglect of the negroes. It is well known that the government of nearly every city in the country is in the hands of white people and that it is they, not the negroes, who are initiating the segregation legislation. The white race can justify this latest race distinction only by letting it be a means of obliterating discriminations against the weaker race, such as have long prevailed in this country and in other countries where a weaker and a stronger race have undertaken to live together on the same soil. Urban segregation[3]—in most southern cities, at least—is wise for the reasons that have already been given; but the white people, having brought about such segregation, must, in justice to themselves as well as to the colored people, give the latter a fair share of the municipal funds for streets, lights, sewers, schools, and other community activities.[4]

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[3] There is a fundamental difference, in the opinion of the writer, between urban and rural segregation, and reasons which justify one do not apply to the other. G. T. S.

[4] See article by the same author on "The Segregation of the White and Negro Races In Rural Communities of North Carolina" in *The South Atlantic Quarterly* for April, 1914.—Editor.

SOME ASPECTS OF THE LIQUOR PROBLEM[1]

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Boston

THE existence of a world-wide movement against the abuse of intoxicating liquors is a patent fact. Variously manifested, it has made its way into all civilized lands. It absorbs more human energy than is devoted to any other form of social betterment. But the driving power of the movement is not so easy to discover, for it is not everywhere hitched up to the same kind of motor. Nor can it be said to be given a uniform direction. Consciousness of the menace from an unchecked abuse of drink gave the movement its first impulse. Alarm from the same cause still furnishes propelling force, but that by itself would be insufficient. In its best expression the movement does not so much signify dread because of conditions becoming worse as a keen sense of responsibility for the common welfare. Its growing strength in the countries where the greatest progress has been made in the direction of sobriety confirms this.

Extremists will of course continue to declaim about a world growing drunker and drunker. It is a convenient argument in whipping up a flagging interest in their panacea—universal prohibition—in spite of damaging and almost hopeless admission involved, that the unremitting labor of years for temperance has largely been unproductive. But the backbone of the movement is not calamity howling; therefore it is not necessary to support it by marshalling evidence about comparative conditions of sobriety or inebriety. In passing it may be said, however, that the gaps of ignorance about the situation are so great that even one endowed with a competent sense of fact finds hard and fast conclusions barred on all sides. And by uncritically accepting current statements about the consumption of alcohol as portraying actual abuse, one can "prove" the impossible. Thus it might be shown that the notably sober countries of Europe, such as Spain, Portugal, Italy and Greece, are really the most drunken, since, forsooth, their per capita consumption, translated into terms of pure alcohol, tops that of nearly all others.

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[1] See also articles by Mr. Koren on "The International Committee for the Scientific Study of the Alcohol Question," Vol. II, page 275, and "The Status of Liquor License Legislation," Vol. II, page 629.

[2] Mr. Koren was an expert for the Committee of Fifty of which Dr. Charles W. Eliot, James C. Carter, the first president of the National Municipal League, and Seth Low were among the moving spirits. He is now secretary of the American section of the International Committee for the Scientific Study of the Alcohol Question, and a member of the National Municipal League's committee on the municipal liquor problem.—EDITOR.

Take another example. Recent press dispatches picture Russia as par excellence a land of sots; and they may tell the truth although the fine hand of the politician is plainly visible in them. Yet the latest official returns for European Russia indicate a per capita consumption of spirits considerably below that of Denmark, Germany, the Netherlands, Austria-Hungary and Argentina, not to mention France. In brief, the available means of gauging relative conditions in respect to the use of alcohol, are very faulty and inadequate; so much so that the International Statistical Institute has recently thought it necessary to establish a commission to study the subject and devise improved methods of presentation.

Meanwhile, it is not material to this discussion whether certain absolutists reason without the facts or on the basis of manufactured evidence. At all events, the world-movement against the drink abuse does not need to be bolstered up by exaggerations. Its paramount strength comes from the spreading conviction that the abuse of drink is a menace which must be counteracted, a conviction springing from a clearer perception of social duty and not necessarily associated with any belief in patented methods by which such duty alone can be discharged.

A keen realization of the drink evil is quite compatible with the view that persistent if slow progress is being made in counteracting it. One must be an incorrigible pessimist or a professional agitator to deny that the liquor problem has reached a vastly better status than it occupied some generations ago. To all others it is tolerably plain that the forces of education, improved social customs, the new demands of industrial organization, the better understanding of health questions, no longer permit us to condone an attitude toward the drink question which formerly passed unchallenged. Among other evidence on this point may be cited the present position of the trade, at least in this country, which no longer is one of aggression but of constructive defence, carrying with it an admission of a need of vigorous and clean control of an "inherently dangerous traffic."

The implication is by no means that we should leave well enough alone. Only a superficial optimist can find contentment with present conditions. The question what should be done for continued improvement is still pertinent, but over it those who should work together for the same end are split asunder. In European countries, the weight of the temperance movement is directed against abuse, chiefly by the aid of legislative and educational expedients; and coupled with it is a live personal abstinence agitation. To be sure, an extreme wing is not wanting. There are well-defined groups of prohibitionists in many lands. But their demand for the ultimate extinction of the manufacture and sale of drink has not blinded them to the usefulness of restrictive and regulative measures. They may be found patiently helping their governments to formulate such measures, realizing that true progress is but gained by successive steps. They still acknowledge that the many-sided liquor problem requires study, and that in dealing with it one must be guided by reason and not blindly follow sentiment.

In the United States, those who would be the exclusive leaders in temperance work seem to have passed beyond the study stage. To them it must sound like an echo from a by-gone day that a well-known temperance organization in Russia recently offered a prize of ten thousand dollars for the best draft of a law to govern the liquor traffic. They deny that there can be any other road to public sobriety than the straight path of prohibition. Those who think and dare to say that it does not lead to a millennium are commonly stigmatized as the spokesmen of evil and in league with every anti-social force. Efforts at scientific inquiry of any phase of the liquor question are more or less suspected. Instead we are asked to accept ready-made dicta without questioning their worth. In plain truth, the direction of the anti-alcohol movement in the United States appears to have fallen largely into the hands of a professional group of advocates who cannot afford to bide by an appeal to reason. This unsugared statement does not carry with it any disparagement of the thousands who follow them from convictions and unmixed motives, much less a denial of the undoubted benefits from the temperance movement in its purer forms which has been indispensable to progress.

This world-movement has, broadly speaking, had a double purpose: (1) to persuade the individual to embrace temperance or abstinence; and (2) to stop the excesses of an uncontrolled or ill-regulated and heedless trade. That as a part result the public attitude toward the abuse of drink has been profoundly and favorably modified in this country one may affirm without fear of contradiction, leaving aside the question of the complex forces that have influenced it. Likewise it is undisputed that the trade, as represented by its leading elements, no longer countenances its old-time attitude, for it admits the need of house-cleaning and is bound to undertake it. The right of a community to a free choice between licensing and forbidding the sale of intoxicants, it acknowledges. Stringent control, which it once fought, is now recognized as its safety. That the days of the village and cross-roads grog-shop are gone never to return, it concedes openly. In short, it is no longer the aggressive, defiant trade of former days, and not to trace this change of front to temperance work reinforced by a more enlightened public opinion is to deny the obvious. Nothing that has been said implies contentment with the present status of the trade. One can acknowledge its improvement without experiencing satisfaction with things as they are.

To the essence of the temperance movement we owe large and lasting benefits; but it does not follow that one must laud its present-day excrescence.

The movement has undergone momentous changes in this country.

Moral suasion as a means of betterment seems to have been relegated to the background. The old line prohibition party, which more or less exemplified it, has become a negligible factor. It has been replaced by an agency which knows no political party so long as it can use any for its own end. Its creed is coercion rather than persuasion, and its strength lies in its ability to make capital out of political cowardice. Much, perhaps most, of the recent prohibition legislation might properly bear this legend: "Enacted under political pressure, not from conviction." The situation is so palpable that one need not be asked to furnish proof. But just because of their political aspects one grows skeptical about the extent of many alleged victories for temperance, for in a question affecting public morality majorities won under political compulsion do not count. As an impartial observer of American conditions has recently said: "Even when the vote shows a majority to be in favor of prohibition legislation, one cannot from the size of the majority draw a decisive conclusion in regard to the numbers of voters who are truly adherents of prohibition. As for that, these may actually be in the *minority*. In the American prohibition states it has repeatedly been shown that numbers of persons who vote for prohibition do not do so because they are personally convinced of its expediency and are willing to contribute personally to its enforcement, but from *ulterior motives*. They vote for these laws partly that they in return may gain the support of prohibitionists in election to local offices or as members of the legislature. Partly, they desire to get the prohibitionist vote in seeking one of the other positions which in the state are filled by popular elections and which may bring economic advantage or satisfy one's ambition. And when these persons have attained the places for which they have striven, one observes that they in part personally transgress the law that they have helped to force through, in part close their eyes to the violation by others and are not concerned about counteracting it, as by their votes they did not intend to court bother or make enemies." He then points to the great extent to which "politics has entered into the special prohibition cause as well as into the abstinence cause generally," and adds: "When prohibition is given a place on a party machine program there is, if it is carried through, still less guarantee that the rank and file of the party will live up to it or will exert itself to get it enforced, than when the individual citizen binds himself to vote for it. For as remarked, it will be a long time before the general public will regard the transgression of a liquor law as equivalent to a crime."[3]

The radical defect of the prohibitionist movement as at present engineered is the devious political methods employed. There is a sordid trading for votes to carry a moral issue. That conviction must underlie the votes in order to make them effective has ceased to be accepted. Superficially, the method of votes at any price seems effective. Men are easily made cowards by threats of political annihilation or of social ostracism. The barter of conviction for place or favor belongs to the shadowside of popular government. Yet it is deliberately fostered by persons who undertake to speak in the name of lofty morality, for the history of recent prohibition contests fairly reeks of a method of bidding for votes that in its essence is just as reprehensible as a money bribe. That the thing may be done by indirection does not palliate it. So long as the fear or baser motives of voters are traded upon in order that they may give the lie to their convictions a tyranny is exercised which has no defence. But it has long since come to pass that open boast is made of coercion to gain the kind of legislation which inevitably spells failure unless supported by an overwhelming public opinion.

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[3] Some Principal Traits of the Alcohol Legislation and Its Enforcement in the United States, by Dr. A. Holst, professor of Sanitation, University of Norway.

And now we are called upon to witness a new application of political coercion for the purpose of regulating personal conduct. Congress has been petitioned to submit for ratification a constitutional amendment forbidding the manufacture and sale of intoxicants throughout the country. To become part of our fundamental law the proposed amendment must be accepted by thirty-six out of the forty-eight states. But the hostile attitude toward prohibition of the most important urban centres is well known. They cannot be won by persuasion, therefore must be coerced. The scheme is so simple that no one can be blind to its meaning.

The end to which the temperance movement in the United States is now being perverted has long been foreshadowed. For years the periodical accounts of the "gains" for prohibition have almost exclusively dealt with the extent of the territory made "dry" and the proportion of the general population living within it, but have been significantly silent about the successes attending enforcement. This substitution of issues has a distinct purpose. The alleged rapid expansion of "dry" territory is paraded as evidence of an irresistible demand for nation-wide prohibition. Hence, when the petitioners recently made their plea for a constitutional amendment, they did not base it upon the blessings of prohibition as now exemplified, but upon the numbers living within areas from which the liquor traffic has legally been excluded as indicating beyond doubt that a majority of the population already favor such an amendment.

It is really a challenge to one's intelligence when one is asked to compare the number of square miles covered, respectively, by "dry" and "wet" territory as proof of gains for prohibition. Yet reputable magazines and newspapers have of late helped to perpetuate the absurdity. As if it mattered that barren wastes, forest and mountain land and thinly settled agricultural districts, which never supported a saloon, have been added to the prohibition area! And anyone can easily compute that in a license state without local prohibition the surface of the districts from which drink-selling is excluded through self-operative causes must exceed that of the places in which the traffic finds a footing. Nor can one accept at its face value the claim that "fifty-five per cent" of our population now live in "dry" territory for it is subject to so many radical qualifications, aside from the fact that the figures named are often open to doubts. At present only about 15,000,000 people in the United States out of the 91,000,000 (census of 1910) live under state-wide prohibition laws, and even of these a goodly proportion dwell on the borders of license states and need but cross an imaginary line to obtain drink. Thus the great bulk of the population said to typify an anti-saloon sentiment lives under local prohibition laws. But here again it is found that untold numbers have their habitat in "dry" districts conveniently near license places with every opportunity to make use of what they offer. Take a familiar example: The no-license cities and towns suburban to Boston (license) and geographically a part of it, contain about 400,000 inhabitants who have the amplest access to liquor supplies and can only be said to live under prohibition in a technical sense. Like conditions prevail throughout this commonwealth and are exemplified elsewhere in a multitude of places nominally under local prohibition. That they have outlawed the saloon doubtless signifies an enmity toward this institution, but it must not be confounded with a full-blown enthusiasm for national prohibition since the condition upon which they remain "dry" is that handy-by places keep "wet." Under the circumstances it is rather meaningless to take gross percentages of the population in license states that live under local prohibition as actually showing the numbers which are made to feel the effects of sumptuary legislation and would welcome its general application.

Moreover, it is venturesome for purposes of convincing argument to omit all reference to the numerical strength both in state-wide and local prohibition territory of the minority. (It is a matter of history that Maine after generations of experience succeeded in saving its constitutional prohibition only by a handful of electors.) It is a matter of history that local prohibition is often enacted by insignificant majorities that are easily overturned. (It is a matter of demonstrable fact that majorities apparently favorable to local prohibition would oppose state, as well as national, prohibition. Nevertheless, we are solemnly asked to accept the statement about the fifty-five per cent of population living in "dry" territory as proving that a majority of the people would welcome national prohibition.)

One finds other cogent reasons for believing that many of the alleged millions of temperance people and embryonic national prohibitionists are but phantoms, useful only to apostles of a fictitious sentiment. There are the ominous figures of the production and consumption of liquor which of recent years have shown an unmistakable steady upward trend. No trick of explanation can harmonize this fact with the extravagant claims about the increasing multitudes that are seeking the blessings of prohibition. Rather one is led to question the usefulness of laws which do not even have the primitive result of keeping consumption at a uniform level, not to say of reducing it. To take refuge in the argument that people living under license are responsible for the growing use of intoxicants is arrant nonsense, for it would argue an amount of localized over-indulgence contrary to all known experience. The growth of the production and consumption of liquor is a very proper reason for advocating remedial measures, but the opposite of proof that prohibition throughout a vast area is an actuality. It is probably on this ground that the question of enforcement is studiously kept in the background by those who contend for that constitutional amendment. Yet before the final step is taken one must demand an exemplification of prohibition thoroughly enforced on a large scale. Here is an ugly chapter in the temperance movement. One is reluctant, however, to thresh over the old straws which have been turned so many times and always with the result of discovering rottenness underneath. The situation may be summed up by saying that all outside, impartial and trained investigators have reached the conclusion which the Swedish Medical Society in its profound study, entitled *Alcohol and Society,* puts tersely, by saying that prohibition in the United States has only existed in name. Even ardent friends of the prohibition idea abroad find that we have not provided them with a model, but rather with a deterrent example.

As an extenuating explanation it is said that the effects of local and state prohibition are more or less neutralized by the access to imports from license places, and that the real cause of the apparent failures of enforcement would disappear under a country-wide law. It is a specious plea for it ignores the fundamental reason underlying violations—lack of popular desire to have prohibition enforced, or, to put it differently, popular refusal to place transgressions of this law on par with other crimes.

Then there is the final reply that even unenforced prohibition is better than any form of the legalized traffic, for there must be no compromise with evil. It is a tough morsel for the moral digestion. Is the question then not of abating an admitted evil, but of salving one's conscience by subscribing to an academic dictum that it shall no longer exist? Small wonder that this line of reasoning has led present day leaders of the temperance movement to treat so lightly the festering ills that flow directly from the wilful, persistent and concerted violation of fundamental as well as statutory laws. This is the fatal cancer that gnaws at the vitals of a righteous cause as it is now directed.

Nevertheless, we are bidden to court the far graver dangers of attempting national prohibition. The complication of conditions sure to arise from it fairly staggers the imagination. One can pass quickly over some of the more obvious. It would be exceedingly awkward, while of course feasible, to find the hundreds of millions of new revenue to offset the inevitable losses. But one cannot so easily dispose of the far-reaching economic disturbances inevitably following upon the destruction of a business representing in its various branches a capital far exceeding a billion dollars and which is a factor in agriculture, manufacture, transportation, etc. Since economic laws know no distinction of persons, the blow would fall upon the just and unjust alike.

But such considerations, the prospect of international difficulties over tariffs, etc., are to be reckoned as naught against the consequences from an irrepressible illegal sale of intoxicants. Let us look straight at some of the elements that would enter into the situation and foretell not of probabilities but certainties. There is the demand for stimulants which no legislation affects; there is the ease and trivial cost of producing alcohol; and the universal desire to make easy money. Combine the three, add to it the undisguised hostility to prohibition of all great centers of population and, indeed, of whole states, and we have an opposition which no method of policing can overcome. The watchful eye and impartial hand of the federal government would be withdrawn from the struggle. Having no longer any interest in revenue, it would not search the length and breadth of the land for illicit manufacture. Presumably, it would watch importations, if not attempt the necessary patrolling of the whole coast and borders. The restraint now exercised by a trade jealous of the traffic carried on by persons who pay no tax would disappear. Enforcement would be left at the most important points in the hands of officials unfriendly to law and acting for a population out of sympathy with it. What is now known the world over as the "shame of Maine"—the synonym for debauchment of law and order, the toleration of violation of law for the sake of political gain—would become the general stigma of our country. Against these verities we must balance the possibility of a diminished abuse of drink. Vain anticipation! There is to be no embargo on manufacture for home or personal use, nor could there be. One might, therefore, reasonably expect conditions parallel to those of Sweden in the last century when home distillation was legalized, resulting in an amount of drunkenness, the like of which history scarcely records. The unquenchable desire for stimulants will be met by a supply of the most destructive alcoholic preparations, since the lighter substitutes will be difficult to obtain, and no device known to human ingenuity could check it.

Such, in briefest outline, is the prospect we are told to welcome or be forced to accept through political coercion. As before, every effort will be bent to make the issue one solely between the extreme leaders of the temperance movement and the liquor trade, without any opportunity to let those be heard who are just as eager as the former to promote sobriety, but who still would reckon with facts and poor human nature. As at present staged, one can picture a contest over national prohibition between two factions. On one side the advocates, constituting a widespread, thoroughly organized, well-endowed body which is officered by professional spokesmen of no particular political faith, who have forsaken all belief in persuasion and clamor for the strong arm of the law of annihilation. And on the other side the trade and allied interests fighting for their own and matching the maneuvers of their opponents step by step.

As in so many battles waged throughout individual states over the prohibition question, the great public is not likely to be greatly moved over a national contest. The attitude of most is likely to be that of bored indifference which is not simply to be regarded as apathy, but as evidence of a conviction that the game is so played as to shut out the general public from participation. There may be semblances of white-hot zeal for universal sobriety, and doubtless many are touched by it; but it usually cools quickly as if it had been artificially stimulated. What creates this indifference is largely that, instead of fostering a free expression of opinion, deliberate effort is made to thwart it. Then, too, the cloven hoof of those who don the temperance garb simply to stalk political game is usually so plainly visible. The occasion lends itself beautifully to play upon moral as well as political cowardice with the common effect of relegating a great part of the public to a passive role. Those who are vitally concerned about the drink evil but would seek to eradicate it by successive steps, and not by an empty fiat of law, usually get buffetings from both sides; by the extremists for favoring evil and by the trade for efforts to curtail its interests. But one can afford to risk both in a good cause.

We are asked, almost commanded, to abide by the assumption that the liquor problem has been thoroughly explored in all its depths. Even if it were true, the acceptance of the proposed universal solution by no means follows. Unfortunately, the final authoritative word on the subject of alcohol remains to be spoken, whatever special pleaders may assert to the contrary. The evils connected with the abuse of drink are plain, yet we cannot uncover the chain of causation to its uttermost link. Science still halts before the fundamental question, Why do men become alcoholists? Therefore it cannot pin its faith on a legislative "thou shalt not" as a sovereign cure for ailments that may be rooted in the constitutional peculiarity of the individual, and of which alcoholism may simply be a symptom. How far drink is the active originating cause of physical and mental disorder is still to be determined, and the knowledge thus far gained does not point to a remedy applicable *en masse.*

Until recently the fatuous notion prevailed that drunkenness could be successfully dealt with by invoking the penal code. Now we demand a diagnosis of the individual case, recognizing that a complexity of causes may underlie the trouble. How, then, can we be content with pure assumption when facing the infinitely more obscure and complex social disorders in which liquor appears to play such a prominent part? To catalogue all of them as chiefly of alcoholic origin is so much easier; it fits in with the seeming simplicity of the one remedy advocated. But the truth must be insisted upon. The substitution of mere assertion for fact yields a dangerous guide to action. As in the case of the individual so in that of society generally, an accurate diagnosis must precede the application of a specific, lest we injure where we would heal. In short, patient inquiry must still be the order of the day, beginning with the alcoholist himself.

The confident belief that the pathology of the alcohol situation is but imperfectly understood does not imply that all constructive effort must wait upon scientific investigations. The fight against the drink evil must go on, and many tried and still useful weapons wherewith to wage it are at hand. (Moral suasion continues to be available and is a greater force in the world than coercion.) Education and the amelioration of social customs are now as ever powerful adjuncts to right living. But education must be founded upon truth and not upon a counterfeit or upon pure fiction invented for purposes of propaganda. Finally, weak human nature can be shielded from temptation by rational progressive control of the liquor traffic. Apparently, efforts in this direction are not even welcomed by extremists who with a curious perversion of logic express an absolute faith in legal restraint raised to the *n*th power, but scornfully deny the efficacy of any lesser restraint. It is begging the question to say that our restrictive legislation has been a total failure, for it has not been rational nor progressive. True, it is exceedingly prolific, but it evidences a search for varieties rather than for central principles; each state seems to want its special brand of laws. The invention of legal irritants has been mistaken for the discovery of elements that make for stable control. The whole fabric of liquor laws is of the haphazard order, from the pivotal question of the authorities who should grant privileges to sell and their power of control, down to the most trivial detail. The experiments may appear numerous, but are for the greater part revivals of time-worn expedients.

This backward condition of our liquor legislation is easily accounted for. Its key-note has always been repression and penalties regardless of whether they could be enforced. Progressive measures have been blocked not solely by the trade but by persons most inimical to it, whose theory is that the worse the status of the trade becomes the sooner it will be abolished. Therefore they look askance at such practical means of promoting sobriety as that of taxing intoxicants according to their alcoholic strength and in every way favoring the substitution of the least intoxicating beverages.

It is a commonplace to refer the shortcomings of liquor laws to the political meddling of the liquor trade. That it has displayed a pernicious activity in this respect no one can deny, but it is a fair question whether we may not attribute this largely to our method of handling the whole situation. The question of liquor selling is still a rare factor in the politics of prohibition states where the question of obedience or disobedience to the laws is a constant issue in elections. The same spectacle may be observed not only where restrictive laws far outstrip public opinion which is needed to give them force, but where all effort to demolish the liquor traffic is directed through political channels. The bane of the situation is that instead of eliminating the saloon from politics we are perforce keeping it in politics. Take as an example the notorious perversion of the local option principle when so applied to counties that an important urban population, against the express desire of the majority, is forced to accept the dictates of a rural population which is little affected by the outcome. The middle western states furnish numerous examples of local option merely as a device for gaining large political units in the interests of eventual state prohibition. Naturally, under such circumstances, the trade meets political tactics in kind.

The lawlessness of the saloon, and its brazen use of politics, where not under careful restraint, is an old story and an inevitable concomitant of raw social conditions. On the other hand, it cannot be gainsaid, the liquor traffic gradually ceases to trouble politics when placed under discriminating and thoroughly enforced control; in other words, where the best system of legislation has been developed. Then, too, the recognized spokesmen for the liquor interests realize full well that their future security lies in obedience to law, and not in achieving freedom from restraint through devious political methods. The elements that have not yet learned this lesson must be made to do so.

Those who dread the prospect of unbridled indulgence in drink no less than the spectacle of whole states in open rebellion against law and order, cannot afford to sit idly by and let the liquor question be fought out by the absolutists on one side and trade interests on the other. It is for them to build on facts, not on unalloyed theory, relying upon wholesome influences as more productive of sobriety than the prohibitive letter of the law. Not least among such influences is sane, progressive legislation. Apparently this cannot be worked out in conjunction with the present day leaders of the temperance movement in this country. The greater the pity! But it is a curious reflection upon prevailing conditions that, in the constructive work to be done, one can turn with greater confidence in their intelligent coöperation to some of the advanced leaders of the traffic itself.

The acceptance of the doctrine of force as *the* means of making men sober spells the despair of the temperance cause; its hope lies in efforts for gradual betterment through ethical forces and general enlightenment plus progressive restriction.

MAYOR HUNT'S ADMINISTRATION IN CINCINNATI[1]

A. JULIUS FREIBERG [2]

Cincinnati

"SWEET are the uses of adversity" applies as well to city governments as to private individuals; and while the disappointment of those who looked for a continuance of the good work done by Mayor Hunt and his associates was very bitter when the blow fell, the interval gives good time and occasion to take account of the point of view of the community and to study its psychological reactions.

Notwithstanding the fact that Cincinnati has apparently repudiated its desire for better government and has recommitted its destinies to the organization which has not always used its powers for the good of the city as a whole, he would be a superficial student, indeed, who would not recognize that the reaction is apparent and not real. Practical reformers have long ago come to realize that the business of governing large urban territories under democratic conditions and under manhood suffrage presents angles and twists and turns that frequently stagger the wits and jam the enthusiasm out of the most patient and long-suffering.

Up to about eight years ago, Cincinnati, to borrow the phrase of one of our most accomplished muck-rakers, was sleeping contented in the arms of as powerful a clan of unpatriotic politicians as ever held a city in its grasp. Of the two evening newspapers, one was so enmeshed by its traditions and political associations—perhaps not so much from conscious original choice as from habit and the philosophy of the times—with the dominant Republican organization, that its powerful influence was lost to any fundamental awakening. The other paper, though never allowing a day to pass without sledge-hammer blows levelled at the so-called "gang," was limited in its influence to a comparatively weak constituency. From the very vigor of its sword-thrusts, not always discriminating, it was not able unaided to bring in the dragon head on its pike.

Henry T. Hunt was then just out of college, one of a group of young men alive to the situation and eager to begin the fight. Under the leadership of Elliott H. Pendleton they enlisted with high hopes, but with much to learn and with many obstacles to overcome. They managed in an off year to nominate Hunt and elect him to the legislature. There he with others secured the passage of a resolution to "Lexow" Cincinnati. A legislative committee was sent down to take testimony. Hunt did brilliant work in assisting the committee. The testimony forced from many unwilling witnesses opened the eyes of the people. There was good fighting for the young men. Hunt was at once an idol and there was no trouble at all in electing him as prosecuting attorney of the county.

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 617.

[2] Mr. Freiberg has been a long time member of the National Municipal League and a worker in the movement for better government in Cincinnati. He has been a helpful and thoughtful coadjutor with Mayor Hunt, Mr. Pendleton and other leaders n the movement.—EDITOR.

Here is one of the elements in the psychology of electorates. There is no disparaging Hunt. He was single-minded, brave, outspoken, able. But many more seasoned men, better known men and as able, had tried for years to engage the coöperation of the people by speaking, writing, explaining, even begging and imploring, but to no purpose. The people love the dramatic; not merely the poor, but the rich and the middle class as well. They will not elect Nathan, but give them a David who has just slain his Goliath and they will raise him to a kingdom and keep him there —for awhile. The reformer and his fellow students may sit about the table and evolve high principles for action, but the people, even those of his own stratum, will not be fed those principles unless there is a dramatic setting, and the favorite dramatic setting is the killing of a dragon. This is not intended to be a reflection on the voting public; it is an inexorable fact that no true student of American government can afford to ignore; and if in this respect we differ at all from European peoples, it is probably due to the fact that in the scramble for getting on we have neglected the better community traditions. What traditions we have nurtured in the past are mainly the bad traditions and not the good ones.

Mr. Hunt proceeded vigorously with his new duties as prosecuting attorney. He began at once to lay plans for bringing to book the boss himself—a thing that had never been dared before. In the meantime, public sentiment had taken an immense stride forward. Persons who had all along said, "What's the use?" began to take hope. The ball had been set rolling, and notwithstanding an occasional relapse or slowing up, it has not stopped rolling yet. Mr. Hunt surrounded himself with the best talent he could get for his assistants. Two of the most learned and best equipped lawyers in the city, at much sacrifice to themselves, joined with him. The boss was indicted, and people were correspondingly elated. But the boss was not convicted. The judges on technical grounds released him. Hunt quarreled with the judges; he taunted them and whether rightly or wrongly, he defied them. So he had his victory after all; for the people who had enjoyed the spectacle of the fight were with him.

The mayoralty campaign was soon on. The old Republican organization renominated the incumbent, a kindly disposed German physician. Cincinnati is a conservative community, overwhelmingly Republican, in which the Germans predominate. The doctor had many friends. It looked like his re-election. There was only one hope—Hunt. Much against his will, because his term as prosecutor had not yet ended, Hunt consented to stand for mayor. He could afford to be independent, however, and he insisted that the ticket nominated with him should comprise the best men available. His advice was heeded, the ticket was elected, and the result was that Cincinnati never had a better opportunity for good government.

Special mention must be made of the candidate for city solicitor. Alfred Bettman, an A.M. of Harvard and an honor man of the Harvard Law School, had long participated in a quiet way in the reform movement. He was one of those selected by Hunt to be an assistant in the prosecutor's office. One of the leaders of the bar, a student of the science of government, he had made himself an expert in the matter of public utility control long before he had any thought of holding office. He was just the man for the place, although not the kind who would run well in a campaign. In temperament, he is entirely different from Hunt—courageous and disinterested, but not belligerent; tactful and slow to follow impulse. These two friends, together with the public safety director, the public service director, the city engineer, and others formed a coterie that is rare, indeed, in the annals of municipal government in America.

The people were delighted with their choice. Praise was heard on all sides for the mayor's selection of his cabinet. The defection to the new camp was like an avalanche. Business men and conservatives of the old school who were always good citizens but afraid of the so-called vagaries of the reformer came over in large numbers. The atmosphere had suffered a tremendous infusion of ozone. Young men needed no longer to truckle to pursue their callings. Nor was there anything sanctimonious in the flavor of the new administration. It was soon understood that there was to be no intolerance or unnecessary restraint of decent liberties. The administration had the council with it, too—on the whole, a reformer's paradise.

If there were nothing further to record until the defeat of the administration at the last election, the gain notwithstanding this defeat, would have been and is still inestimable. The old order is gone forever. While the people are fickle and sometimes disposed to regard the mote instead of the sunbeam, they will never tolerate a complete retrogression. The pendulum of the popular mind will swing, but never so far back as the first beat, because the popular mind has been educated—at least it has had its primary lesson. This is point number two in the psychology of the voting mass.

The first note struck by the Hunt administration was the adherence to the campaign declaration that there was to be no wholesale turning out of the old place-holders. A cloud forthwith appeared, "no bigger than a man's hand." The Democratic organization under whose colors Hunt had sailed sent up the cloud. Through the influence of the mayor, a civil service commission was appointed, consisting of three dyed-in-the-wool civil service reformers, good men and true, who immediately set about the institution of a thorough-going system of examinations.

Then came the constructive work, into which Mayor Hunt put himself with all his heart and soul. Among the first jobs he tackled was the removal of the delinquent and dependent children of the house of refuge, an old ramshackle building, to buildings in the country. He then delved deep into the tenement question—housing reform. He had appointed as building inspector, a ruggedly honest man, who though perhaps lacking in tact was uncompromising in his opposition to law violators. The building inspector, being no respecter of persons, would now and then step on the toes of a vigorous Hunt supporter; and before the end of the term, legions of such toes were stepped on.

Practical reformers have learned that to succeed with reform one must be a conservative reformer. Point three in the psychology of the voter is that his toes must not be stepped on.

From housing reform, Hunt branched away into street railroad extension. He soon saw that unless the small-home territory is enlarged and suburban territory made available, the tenement problem will remain practically unsolvable. Thereby hung, however, a long tale. The Cincinnati Traction Company, or rather its lessor, obtained some years ago, through an act of the legislature, a fifty-year franchise for the exclusive use of the streets. For many years the traction company has been playing fast and loose with the city, the provisions in the francise contract having given the city little or no power to enforce satisfactory service. Futhermore, the political organization in power and traction interests had always been on very friendly terms and the traction company had always seemed to feel that there was no danger to be apprehended from any court action. Their contentment was felt by all to be justified by the facts. There is a provision, however, in the franchise contract under which the traction company must submit to revision of fares in 1916. Mayor Hunt very wisely and with great discernment approached the traction people with an anticipatory compromise proposition, embracing, (1) the features of a valuation of the company's plant to be agreed upon upon an equitable basis; (2) the exchange of the company's fifty-year franchise for a so-called "indeterminate permit"; (3) the building by the city of a rapid transit right of way over an abandoned canal bed in conjunction with an underground city loop, the traction company to operate the rapid transit system, the company also to provide for suburban extensions when demanded by the city; the whole object being to bring suburban cars into the city proper with great speed, thus opening up an enormous undeveloped suburban territory.

Mayor Hunt, with the able assistance of the city solicitor, made splendid progress along this line. A tremendous amount of hard work was done by the city administration. Enabling acts were secured from a friendly legislature; the state was induced to abandon to the city a long stretch of an unsightly and practically disused canal that has been a menace to health and a disgrace to the city for years; and it was in the bed of this canal that the entering right of way was to be constructed; an expert was employed at an expense of $20,000 to make detailed observation of the running of the present street-cars in the heart of the city itself, and to devise a system of re-routing by which congestion might be avoided; and finally, with the help of a certain number of public-spirited citizens, the mayor secured the services of an expert engineer to lay out the plans for the loop and interurban system.

While the laying down of these comprehensive plans was agreed on every hand to be a vital necessity for the city's future growth, naturally the more the thing was talked about, the greater was the opportunity for criticism. In the first place, the traction interests and other allied interests who had been going along the even tenor of their way, were averse to being hectored into any kind of a traction settlement at this time. The plan would, of course, involve a valuation of the plant, and there was much wailing and gnashing of teeth at the bare thought of the possibility of reduction in the stock value of the Cincinnati Street Railroad Company. This stock is very widely held among all classes of our citizens. In the next place, the employment of experts from outside the city, though they were the only men who could be secured for the purpose, was used by the old organization with all the ringing of the changes on the susceptible public. Point four in the psychology of the average voter is that notwithstanding his general desire to have an efficient administration, his misplaced patriotism resents the employment of experts from outside the city. Practical reformers are by this day well aware of this tendency and designing politicians take good care to nurse it on all possible occasions.

Notwithstanding all the criticism, a large part of it being ill-digested and hastily considered, Mayor Hunt went on with his work and was in a fair way to succeed, when another disturbing event took place. The radical element in the city, headed by Herbert Bigelow, began to make clamor against the large capitalization Mayor Hunt was about to agree upon with the traction company for the purpose of basing fares and other calculations. Following upon this clamor, Mr. Bigelow, who was a member of the legislature, introduced in that body a bill to revoke the franchise of the traction company under a somewhat dubious clause of the state constitution appearing to give the legislature that right. Mr. Bigelow did this without consultation with the mayor or the solicitor, and the effect of the introduction of the bill, although it was subsequently defeated, was to arouse a bitter wrangle between the mayor, the radical element, and the traction interests. The radical element had supported Mayor Hunt in his campaign for election, and the demoralized leaders of the old organization began to rub their hands with glee.

Meantime, the cloud erstwhile no bigger than a man's hand, began to grow. I refer to the disgruntled Democrats who had waited and waited for their jobs, always hoping that the mayor had not really meant what he had said. It soon became apparent that notwithstanding all the good work that Mayor Hunt and his associates had done, the dogs of war were loosing themselves and the serenity attending the opening of the administration was wellnigh dispelled.

Mayor Hunt, nevertheless, continued in his constructive work, and it is of course impossible in this restricted space to mention all of the accomplishments. Suffice it to say that there was scarcely an avenue of city activity in which changes and improvements were not sketched out and partially entered upon. Subtracting those whose toes had been trod upon, the approval and praise of the administration grew day by day.

The overwhelming disaster of the flood in the Ohio Valley will be recalled by all. Mayor Hunt pitched into a work of salvation and rescue with all the enthusiasm, despatch and skill of a full-blooded, well-trained American citizen. The mayor won much praise for his work in this regard and even his detractors fell back on their haunches for the moment and had a vision of the mayor's return to complete popular approval.

Then came another blow. Strikes sprang up in the textile and shoe trades. The mayor was be-labored by the manufacturers for police assistance. The mayor at first conceived that the manufacturers wanted him to help suppress a legitimate strike. So, while he did his duty, he did not accede to all of their demands. This took from him the support of many good citizens who had been loudest in their approval of him when he ran at the polls. When later, after certain acts of violence startled the community, the mayor strengthened the police protection, he incurred to some extent, the ill-will of the unions.

Finally, there came a strike of the employees of the traction company. All the lines were tied up. Popular opinion was with the strikers. Nevertheless the mayor gave what police protection he could to the company. Strike-breakers were imported; the police became worn out with their long vigil, and it was no longer possible to run cars. The mayor asked the governor for the militia. Whereupon the latter refused to send it. The radical element of course resented the call for the militia. The city solicitor thereupon brought an action in the common pleas court, asking for a receiver for the company on the ground that it was not performing its public duty. This action brought the company to time, arbitration was agreed upon, and the strike was settled. But it was at a tremendous cost to the mayor and his friends, for not merely the traction company but all of the capitalistic class, many of them the mayor's strongest friends, bitterly resented the action of the solicitor, not without good reason. The strike was over, but it left the political future of the mayor in the balance. The radical element was stirred up against him, the capitalistic element likewise. He was charged with playing to the galleries, with vacillating, with breathing hot and cold. It was a most difficult situation.

Other strikes followed, but, with the exception of the ice-handlers' strike, the mayor largely kept his hands off.

As a result of all of these happenings, it was felt, along towards the summer, that the mayor's chances for re-election were not at all rosy. Between this time and the election, however, the atmosphere being once more peaceful, a slight reaction did set in in favor of the mayor. It was whispered about that the old organization had helped foment the troubles. Loyalty to the administration for its good work re-asserted itself. The campaign was well planned and vigorously conducted. Both evening papers were plainly on the side of the mayor, and even the strong morning newspaper.

It looked like a close election, and, indeed, on the eve of the contest the Republican organization had practically conceded its defeat. So that when the votes were counted and it was found that by a small majority Mayor Hunt had lost, every one was surprised.

Now, however, after the lapse of some months, it is not so difficult to sum up the causes. Chief among them was the defection in the Democratic ranks, due to the disappointment of the place seekers. It was known during the campaign that one of the old Democratic war horses had opened an office from which was conducted an internecine fight; every one whose toes had been stepped on was hostile, notwithstanding many among these praised the mayor for his good work; the radical element while acquiescent, on election, supported the mayor only negatively. The capitalistic class suspected the mayor and especially the solicitor of having "socialistic" leanings; the old organization promised reform within their ranks, and they were to a large extent believed. A curious phenomenon followed a few days after the election. Many who had voted against the mayor declared that they were sorry, and it was the prevailing opinion among those with opportunity to feel the public pulse that if the election were to be held over again, the result would be reversed.

It was a great pity. The fruition of a great many constructive policies seemed close at hand. Notwithstanding the mistakes of the administration, if any there were, it seemed the logical thing for the community to allow the man it had picked to do this constructive work and carry their plans to an end. But as has been said, right here is the difficulty. Municipal reconstructors must inevitably encounter it. It seems a shame to say that onemust "play politics" and take account of the feministic tendency of the elector. And perhaps it is not quite true; but in the present state of public education (one cannot always find dragons to kill), it is plain that unless all the conditions are just right, it is difficult for a thorough-going reform administration to survive for long. This is not true of Cincinnati alone, but probably holds good in other conservative cities like St. Louis, Philadelphia, and Boston. It is easier in Cleveland —yes, even in New York or Chicago, in which communities the people are beginning to learn that every administrator who looks a little bit forward is not that much-dreaded animal, which many of our good citizens not very intelligently, but for the want of a more awful term, usually dub a "socialist."

The present administration has promised constructive reform. The time is too short to judge whether the promise will be fulfilled. It is enough to say that the good done by the former administration is by no means forgotten. A standard has been set, and if it is not quite lived up to, at least there will be no going backward.

THE GRAFT INVESTIGATIONS OF A YEAR

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IS THE general plane of political morality in the United States steadily rising? Most people would answer that question in the affirmative and perhaps rightly so. Yet the fact remains that a chronology of alleged public wrongdoing, of charges, counter-charges, indictments, trials and convictions for malfeasance and corrupt conduct in places of public trust—a list covering no more than a single twelvemonth is at any rate long enough to prove the enormous problem which still confronts the people of this land in their endeavor to make common honesty a rigid principle of public administration.

Our troubles in this matter are not confined to any one part of the country or to any one class of officeholders. Two or three features, however, stand out prominently in the calendar of wrongdoing to which the next few pages of the NATIONAL MUNICIPAL REVIEW are devoted. Foremost among these is the way in which a graft prosecution can be delayed and dragged on month after month until popular resentment dies away and public opinion no longer cares much whether the proper punishment of an offender is accomplished. Technical points without number are interposed to get changes of venue, or postponements, to quash indictments or to have verdicts set aside. A speedy trial, conviction and sentence form a combination which is not simply exceptional, but practically unknown in this country so far as official malefactors are concerned. It is in this field that our judicial system looms up at its very worst.

A second feature is the readiness with which grave charges are trumpeted abroad without the slightest preliminary investigation and then later found to be baseless. So common has this become that when charges are laid against any public official his political friends usually feel bound to stand by him and maintain that the whole thing is a partisan frame-up. Charges are made at white heat, then they cool off slowly under the chilling influences of district attorneys or grand juries. It is true, of course, that we now have a somewhat keener public antipathy towards the very appearance of evil in the affairs of the community than we had some years ago; but where the law tolerates by its inaction or tardiness, public opinion is not apt to be very vigorous. In the case of the election frauds there is apt to be lacking even that mild indignation which rises among the people when public money goes into private pockets, and election frauds are not yet by any means uncommon; they are in some places quite easily "pulled off"; although not so easily as in the old days. Even the newspapers find it hard at times to work up much public feeling with respect to this cheating the ballot-box, which is after all the most serious of crimes against the institutions of free government.

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From one year to another there does not seem to be any great falling-off in charges, prosecutions or convictions, which means that with so much smoke there must still be many burning embers. Several questions might properly be raised in this connection. What is the ratio between actual graft and formal prosecutions? Does absence of open trouble in any city mean that all officials are honest or merely that the public conscience has either gone to sleep or become callous? This is merely a wider application of the old question as to whether a reduced number of arrests is a sign of better public conduct or of less efficient policing. It may well be the result of either, or of both.

Here, at any rate, is the rather sordid anthology, culled from newspapers all over the country and stated as briefly as possible. The list does not include anything from that host of faint rumblings and rumors which never reach the investigation stage.

Chicago. The forms of political and administrative scandal unearthed in Chicago have been as varied as their number. The probing of the "crooks' trust," the voting-machine scandal, the November ballot frauds, and the investigation into the deputy smoke inspectors' "club," are some of the larger undertakings seeking to purge the public morals, although the effect of some of the less notorious investigations has been equally great.

The revelations as to the profits to be derived from wholesale collusion between all varieties of crooks on the one hand, and organized police and political protection on the other, are the more discouraging from the fact that it seems probable that the evil, instead of being wiped out, is being driven from one large city to another. After the Rosenthal murder in New York, the city became too insecure a haven for the most accomplished New York crooks, and they apparently transported their operations to Chicago as offering a promising field. The first arrest was that of Barney Bertsche, politician, insurance broker, former saloonkeeper, etc., on a charge of conspiracy. Bertsche was alleged to be the brains of the "fortune-tellers' trust," as well as of the highly organized gang whom he was supposed to have brought to Chicago. This organization, under the sponsorship of certain politicians allied with various policemen, included clairvoyants, burglars, highwaymen, confidence men, sneak thieves, pickpockets, wire-tappers, etc. At its head was one man, believed to be Bertsche, who farmed out the city for exploitation by means of a carefully-organized system of finding promising leads for swindling and of protection, both for the swindlers and for the police who guarded their operations. Most is known of the "clairvoyant trust," which, with the closely-allied band of wire-tappers, is said to have netted about half a million dollars during the eighteen months preceding the breaking-up of its band. So complete were all the arrangements for a smoothly working organism that conventions of clairvoyants were regularly held for the discussion of best methods of operation and protection; it failed only when the head of the trust became too greedy and demanded a larger percentage of the profits. Bertsche is reported to have received fifty per cent of these. The steps in the development of the case following the arrest of Bertsche were his indictment and that of six other clairvoyants, and the suspension of five city detectives who were also caught in the net opened up through a private detective agency. Thirty-three indictments in all were returned in these cases by the grand jury; all being against various individuals for sundry offenses and not against the "trust" itself.

Other investigations of a similar nature included that begun by the board of aldermen on the charge that Alderman "Manny" Abrahams of the notorious twentieth ward was "the man higher up" in the graft allegations made by about two hundred peddlers and small produce-dealers from the west side markets. The latter complained that the city market master had been over-collecting fees from them, promising exemptions which had never been granted in fact, and threatening to "get" any one who testified against him. Early in 1914 came the arrest of an ex-policeman charged with attempting to bribe the head of the morals inspection bureau. Although the case has not yet been finished, it is thought that the arrested man, a private detective, may be the direct agent of the famous "vice king."

The investigation undertaken in August by the civil service commission as to the management of the smoke department resulted in the discharge from the city's service of eight out of the eleven members of the department (one member originally charged being exonerated by the commission). The eight smoke deputies were found guilty of accepting bribes in the form of merchandise and commodities of every sort from firms which they did not report as violators of the smoke ordinance, of using their office for the purposes of extortion, and of insubordination, false reporting and loafing. Evidence in the case disclosed the existence of an "exclusive club" fitted up by violators of the smoke ordinance for the benefit of the deputies.

Just a word ought to be said in explanation of the voting machine scandal. In letting the contract to the Empire Voting Machine Company, a deal was alleged to have been engineered by means of $200,000 paid mainly to the publisher of a Chicago paper and other men in touch with his influence. An important source of evidence was the confession of a judge, with affiliations in the same direction, to whom the men who had let the contract owed their appointment.

Some by-products of the November, 1912, elections were the vote frauds which have been coming up for trial ever since last January. Fraudulent use of the ballot was claimed in the election of the state's attorney,—not only in the case of Maclay Hoyne, the Democrat who secured the election, but also in behalf of the Republican candidate, Leland Rapp. A recount of the ballots definitely revealed the existence of such irregular practice. Difficulties and delays were placed in the way of an early investigation and trial but the case went to the grand jury, with the result that an indictment was returned charging illegal marking of ballots during the count at the close of the polls. The trial jury subsequently found two of the indicted persons guilty, the convictions being the first ever made in Illinois for altering ballots or election returns. The next batch of the seventy election-fraud cases concerned workers in the twentieth ward, and their case was investigated by the special state's attorney for the special grand jury appointed by Judge Cooper. In this instance, which was marked by counter-charges on the part of State's Attorney Hoyne, a request for a change of venue, and other moves to hinder proceedings, the five men from ward twenty were all found not guilty, although the jury encountered conclusive evidence of forty-five fraudulent votes checked in favor of Mr. Hoyne, Peter Bartzen, president of the Cook County board, and Anton J. Cermak, bailiff of the municipal council—all members of the same political party. The outcome of the third case, that of Assistant State's Attorney Bernard J. Mahoney, tried for complicity, was long in coming, but on April 15 he was acquitted of "short-penciling" ballots. Here again the jurors were agreed that fraud had been perpetrated (in the twenty-eighth precinct of the thirty-third ward), but they felt the evidence not conclusive enough to fasten the guilt upon Mahoney. The next cases to come up will probably be those of two Democratic committeemen from the nineteenth and thirty-fourth wards, and of Joseph Kostner, a deputy-commissioner of public works. Newspaper comment and approval of the action of Special State's Attorney Northup has been constant during the progress of these trials, and public sentiment against this form of crime has been forcible. A feature of the April municipal elections was the arrests made for intimidating women voters by the "vice ring" and the investigation by the board of election commissioners of the charges of fraud in over twelve hundred registrations.[2]

Graft in the administration of the city's affairs had its due share of attention, although no actual convictions resulted. In October Alderman C. E. Merriam made a charge that Chicago municipal affairs were managed for the personal profit of a coterie of lawyers, politicians, contractors and resort keepers, and stigmatized the Harrison administration as a "local imitation of Tammany." Alderman-professor Merriam asserted the existence of graft particularly in contracts for prison labor—his own words being that "the political system that controls Chicago overlooks nothing—not even the convict"—and in connection with the contract for garbage reduction. The bureau of public efficiency made a report to the city council in March alleging wholesale squandering of public funds and pay-roll padding in city hall. It is claimed that men drawing pay from the city are at the same time engaging in other business. The bureau's inquiry had to be restricted to the office of the city attorney in the law department because of Mayor Harrison's refusal to permit an investigation of conditions in the city hall; but the evidence secured in this one case, if typical of more, shows a very lax state of affairs. In this single office twenty precinct committeemen were found to be on the pay-rolls although performing purely nominal service and doing little or no work for the money received from the city. Nine men were discovered to be engaging in other occupations, their service to the city consisting merely in reporting personally or over the telephone for a few minutes on most days of the week. The attorney's office has made a rather phenomenal increase in expenses during the last ten years, the increase being 143 per cent, or $69,940. It has also greatly enlarged its personnel, from forty-two to seventy-nine, although citizens of Chicago fail to note a corresponding increase in the effectiveness of the office. The charges are being investigated by the corporation counsel and the city attorney.

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[2] See NATIONAL MUNICIPAL REVIEW, Vol. III, pages 153 and 399.

Cook County and the city of Chicago have been the scene of a good deal of grafting in addition to the widely advertised cases just outlined. There have been investigations into the extravagance and waste connected with the building of the new county hospital, as also into the relations existing between federal officials, criminal defendants, bondsmen and attorneys which have given rise to such scandals as that of the colored prize fighter who is said to have paid $25,000 to escape punishment for violating the Mann white slave act.

New York City. The general topic of graft investigation in New York City during the past year cannot be discussed without some mention of the Sulzer impeachment, nor, indeed, can that event be separated from the prosecutions which came later and the overthrow of Tammany in the November municipal elections. As is well known, an open break between the governor and Boss Murphy followed various appointments made from the governor's office, which were refused confirmation by the Tammany senate. Out of this deadlock between the government elected by the people and "the invisible" government, came the appointment of the Frawley committee, at first for the purpose of investigating state institutions in general, but rapidly developing into a probing of the personal affairs of Governor Sulzer. By the end of July, 1913, it was openly announced that impeachment proceedings would follow if the slightest ground could be found on which to base them. Governor Sulzer, on the other hand, executed a counter-stroke by appointing, under the Moreland act, his adviser-in-chief, John A. Hennessey, as a special agent, to investigate every state department. On August 13, Sulzer was impeached on various counts, chiefly that of obtaining campaign funds by illegal means and later using them for personal ends. Mr. Hennessey, meanwhile, had turned his attention to the Tammany-controlled state departments, and charges involving not only the state highway department, but the building of the Catskill aqueduct and the Barge Canal Construction Company were soon brought forward. In the ensuing John Doe proceedings against Tammany Hall for "sandbagging" contractors on the state-highway and barge-canal work into making campaign contributions, the testimony which District Attorney Whitman succeeded in bringing out shed light on some interesting political practices. In awarding contracts for highway work, the specifications were so written as to exclude all unfriendly firms. In one case the terms by which a certain company was "let in" included a $5,000 campaign contribution to the Democratic state committee and a commission of one per cent on every gallon of asphalt and oil used, this latter to go to a prominent member of the party. The indictment of Everett P. Fowler, "bagman" of the state committee, of Arthur McLean, its treasurer, and of James K. McGuire, a former mayor of Syracuse, for improperly soliciting campaign funds followed close upon these disclosures. In the Catskill aqueduct work it was charged that five per cent, or over $40,000, out of the $8,000,000 paid on one single contract, was turned over to a Tammany politician by the company which secured the contract. Mr. Whitman's information in these proceedings came largely from the testimony of ex-Governor Sulzer and the contractors who felt themselves aggrieved because they failed to land contracts or because of treatment which they considered unfair. The district attorney's attempt to convict "the man higher up" by tracing money secured in this way to the coffers of Charles F. Murphy and James E. Gaffney was unsuccessful.

An interesting feature in all the New York graft cases is the haste exhibited by all who felt their positions becoming at all insecure, to proffer evidence against wrongdoing, even though self-confession were involved, it being regarded as distinctly better policy to run the risk of indictment on self-confession than to be caught in the meshes of evidence given by another. One reward, at least, attended this policy: the dismissal by Mr. Whitman of the indictments against two policemen for their evidence in connection with graft in the police department following the investigations which had their instigation in the Rosenthal murder. Passing mention only need be made of the execution of the four "gunmen" in April and the conviction of Lieutenant Becker at the close of his second trial.

The wire-tapping swindle which came to light in November pointed to the existence of collusion between the police and the wire-tappers. On the strength of a confession by one Al Cohen, a member of the "gang," ex-Captain Dominick Riley (known as the "model cop") and two other policemen were indicted for taking bribes from the wire-tappers. Evidence showed that a rake-off of ten per cent was being paid regularly for police protection and that, at the same time, the police were shielding a system by which clairvoyants were fraudulently getting large sums in their trade.

Earlier in the year, in connection with the new taxicab ordinance originated by Mayor Gaynor and passed by the aldermen, the existence of a free riding-list for city officials and policemen was discovered to be the channel through which large taxicab companies paid for the privilege of "owning" certain stands and hotel-fronts, and were enabled to drive out independent taxi-drivers. The new ordinance established certain definite fare-rates and, in abolishing all private stands, did away with the collection of money for this privilege by hotel and restaurant keepers as well as by policemen.

East St. Louis. Speaking in terms of numbers merely, the city of East St. Louis bears the palm for indictments returned in a single graft investigation, the total being, according to published accounts, from eighty-six to 116 indictments against twenty-eight present and former city officials. Information in the case was furnished last June in response to an offer of immunity to any law-breaking officeholder who would make a full confession. A confession was soon forthcoming from an ex-councilman who had, a few months before, been indicted on the charge of obtaining money by fraud. In this confession six members of the 1912 city council, former Mayor Lambert, and the corporation counsel under his administration, were accused of extorting money for the passage of public utilities' franchises. In August a suit was brought by the city council against former City Treasurer E. Fred Gerold to recover $31,414 wrongfully and illegally diverted from the "special funds" of the city, and to recover also $10,261 which Gerold was alleged to have kept for himself as collector of the city taxes in 1912. Gerold was found guilty in March and sentenced to imprisonment on the charge that he withheld $50,000 in city funds. A former deputy building commissioner was indicted in October for embezzlement and, on January 26, was declared guilty of secreting $600 to defraud the city. In the meantime the St. Clair grand jury, under State's Attorney Charles Webb, had been investigating for five weeks the municipal affairs of East St. Louis, and on October 21 it reported indictments against twenty-eight persons, including twenty-four former city officials under the Lambert administration. The charge in most cases was that of conspiracy to defraud the city of about $100,000, and covered systematic frauds carried on in the health and street departments and in the city treasurer's office. These latter consist, for the most part, of double payments on bonds and coupons, excessively high prices paid for supplies and work, and agreements among the city officials to help each other out in abstracting money illegally from the city treasury. In November more indictments still were brought in, although no more persons were involved, making at least eighty-six on a conservative estimate. The trials are still in progress. In summing up the situation to the jury, Judge Vandeventer gave a hopeful view of the city's plight in saying: "East St. Louis is no better and no worse than other cities of its size. But its citizens have too long been indifferent to the acts and doings of their city officials. Even now, the moral effect of these indictments and your work in general since this session began, is clearly visible."

Detroit. The trial of the aldermanic bribery cases involving Alderman "Honest Tom" Glinnan and others who were arrested on July 26, 1912, has been greatly delayed because of the difficulty in getting together a satisfactory jury panel to serve in a case of such renown, and even now, indeed, the prospect of a trial seems rather remote. Two requests for a change of venue have been made on the ground that a fair trial could not be had in Detroit; one was refused by the supreme court and the other is pending. In the meantime Glinnan was re-elected to the board of aldermen and made chairman of an important committee despite the fact that so many of the citizens believe in his crookedness. On March 7 an order was entered sending the case to Monroe for trial. But an appeal has been made to the supreme court asking that the order for a change of venue be set aside. The *Detroit News* for April 14 suggests in no uncertain terms that the delay in bringing the case to a final trial is due to the desire of Prosecutor Shepherd to interpose a sufficient number of obstacles in the way of convicting Alderman Glinnan. The *News* urges investigation by the governor into the prosecutor's actions lest the delay of nearly two years will of itself make conviction impossible. In February a minor voting fraud case was brought to light, and a couple of months later a disclosure of graft in the Detroit police department gave the record of that department the first black eye in six years.

San Francisco. Under District Attorney Fickert and Assistant District Attorney Brennan, the police department of San Francisco has been subjected to a rigid search for grafters, resulting in a large number of indictments. In the course of the investigation it was discovered that toll was being exacted by policemen from unfortunate women of the city to such an extent that one girl was forced to pay nearly $900 in order to be rid of police espionage. But of more importance still was the unearthing of a ring of sixty-four bunco men between whom and some of the police there were such open relations that protection by the police was a matter of public knowledge. In return for protecting these bunco men the policemen received a fifteen per cent share in the profits from robberies. It was partly because he demanded an increase in the rake-off to twenty-five per cent of the profits that Detective Frank Esola, for sixteen years a member of the San Francisco force, came to grief and was indicted for grand larceny through the evidence of Michael Gallo, a bunco man, on the charge of corrupt collusion with the ring. Seven other policemen were corralled on small charges, and four more were accused of complicity in the wholesale swindling which has gone on in the city. This form of fraud is said to have yielded more than $300,000 since 1905, when regular police protection was first established for the bunco ring. It is worth noting that, although previous to the trials the municipal police has seemed to be oblivious to the presence of criminals as such in the city, during the trials and since then the pickpockets and other malefactors have been inclined to keep out of the way.

Philadelphia. Mayor Blankenburg in October asked for an appropriation of $10,000 to defray the expenses of an examination into the accounts of the departments of public works and public safety, and appointed Messrs. Fernley, Vollum and Rorer, of an accounting firm, to make the investigation. The direct cause of the mayor's action lay in the discovery of various unexplained accounts in those departments, which had come down from previous administrations, and particularly in a request from the city council for information as to the payment of $20,000 by the Pennsylvania Railroad for proposed exchanges of property between the city and the company in connection with a plan for abolishing grade crossings. The report of the experts appointed by Mayor Blankenburg to investigate concrete work done in one of the public parks at a charge of $277,000 makes it clear that the contract was not awarded on principles of good business and honesty, and that the work has been so badly done that the outlay will probably prove a total loss to the city. It is expected that the mayor will authorize a civil suit against the contractor.

St. Paul. The St. Paul graft investigation which was begun in December on a charge of extortion laid against two city officials developed quickly into a scandal involving politics, paving contracts, saloon affairs, and underworld finances. Martin J. Flanagan, the deposed chief of police, and Fred Turner, former city detective, were indicted on December 13 on charges of bribery and of grand larceny in the first degree in connection with disorderly houses and resorts. It was asserted that about $10,000 had been collected by these men from women of the underworld. In February a verdict of not guilty was returned on the charge of accepting a bribe of $1,000 from a woman in return for police protection of her resort; on a second indictment, for a similar offense, both men were convicted and sentenced to the state prison. The first verdict met with great popular disapproval and the committee of citizens responsible for the graft exposure are still looking for "the man higher up."

Atlantic City. On December 10, Louis Kuehnle began his year's sentence to prison. Kuehnle, who was indicted and convicted in December, 1912, had been for thirteen years the boss of Atlantic City, with power said to be more nearly absolute than that of all other municipal bosses combined. The charge on which Kuehnle was sentenced was that of voting as a water commissioner of the city to award a contract to a company in which he was a stockholder. His term of imprisonment has been curtailed, however, for the state board of pardons on April 14 granted an unconditional pardon, to become effective on June 1. Public favor is now said to be somewhat on Kuehnle's side. Three other former city officials, who were convicted of grafting, are to be released on June 1 as well, and a commutation of sentence has been granted to the former sheriff of Hudson County who was convicted of conspiracy.

St. Louis. Charges were brought forward against the superintendent of the city workhouse, alleging brutal treatment of the inmates, the sale to them of whiskey and drugs, and trafficking in paroles for workhouse prisoners. In this latter connection evidence showed that the sum of $150 was to be paid to the chief clerk in the city lighting department on receipt of a parole by one of the prisoners. The St. Louis municipal assembly came in for its share of graft scandal, frequent bribery being alleged in connection with the passage of different bills. One indictment was made for attempting to bribe a member of the house of delegates to pass the ten-cent-tax-increase-bill over the mayor's veto. Charges were also made against the city supervisor of plumbing for accepting money in return for various favors.

Montgomery, Alabama. This city has been the scene of an investigation into an alleged discrepancy of over $100,000 in the state convict department resulting in the trial of James G. Oakley, former president of the convict board, on charges of embezzling state funds. The attorney for the defense alleged conspiracy on the part of various state officials to prevent witnesses from testifying in Oakley's behalf. A later development in this case was the startling statement made by Theodore Lacy, chief clerk of the board, who had been convicted of embezzling $50,000 from state funds and sentenced to ten years in prison. Lacy, in March, alleged that he had turned over to Governor O'Neal in 1911 the $27,500 reported to have been paid to him by Oakley. The governor has replied with an out-and-out denial and a request for a grand jury investigation.

Terre Haute. Pleas in abatement have been put forward on behalf of the mayor and others recently indicted with him on charges of election and primary frauds. The pleas charge illegality in making up the special jury which returned the indictment, as well as bias and prejudice on the part of the special prosecutor. Former Councilman W. A. Huffman, after being convicted for participation in election frauds, received a sentence of from three to ten years in the state penitentiary and ten years' disfranchisement. In the later stages of the trial, evidence was given as to many illegal devices put into use at the elections by supporters of Mayor Roberts at his instigation.

Butte, Dayton, Denver, Fort Worth, Hoboken, Portland, Reading. In these other large cities graft disclosures have been somewhat less serious. In *Butte* violent charges against Mayor Duncan were made this spring by the city clerk at a meeting of the Socialist party, of which both the mayor and the city clerk are members. The mayor was accused of shielding grafters and go-betweens, of menacing the party's representation in the city council by political chicanery to prevent appointments which he opposed, and of devoting the Socialist organ to his own purposes. No formal action has been reported thus far. On the apothegm of Carl Schurz, that "every lavish government is a corrupt government," *Dayton*, previous to its adoption of the city-manager plan, has been proved corrupt to the extent of $18,414.95. This amount includes various forms of petty graft, such as Sunday newspapers for city officials, overcharges for medical service, the retention of fees belonging properly to the city, etc. In *Denver* there have been various charges of graft made against members of the police force, and a former alderman was indicted on the charge of attempting to bribe a member of the fire and police board. In the trial of R. L. Rogers at *Fort Worth* for offering bribes to former County Judge Bratton, District Judge Swayne deplored the wide-spread tendency towards graft and bribery throughout the country and ordered the grand jury to make a sweeping investigation of all county officials and their acts, including the award of contracts in connection with building the new reservoir and bridges. Rogers was acquitted, however, in the immediate investigation, and Judge Bratton was himself later accused of accepting a bribe from the owner of a saloon who wished his liquor license preserved. In *Hoboken* thirteen election officers—eight Democrats and five Republicans—were convicted on the charge of having made false election returns while serving in the primary election of September. Cases against two others were dismissed on the ground that their errors were unintentional. The police department of *Portland, Oregon*, was subject to a thorough investigation following the unearthing of scandals among its members. Later, in March, a charge of graft preferred against the chairman of the county commissioners was shown to be faulty and without foundation. Several charges of bribe-taking were brought against city officials in *Reading, Pennsylvania.* Of these, John H. Lewis, a former member of the common council, was found guilty of accepting a bribe in connection with the purchase of fire apparatus; but his pardon was recommended by the court in view of the procedure used in obtaining evidence against him. Former City Clerk L. S. Ramsay was declared not guilty on a similar charge.

MINOR CASES

Bay City, Michigan. An alderman was accused of fraudulent collections of money from the city and from contractors interested in city work. Graft proceedings were also begun in connection with irregularities in the construction of a sewer in 1912.—*Gallipolis, Ohio.* Four county officials were indicted for embezzlement of county funds and for soliciting and accepting bribes in connection with county road-work.—*Grand Junction, Colorado.* The district attorney in March charged that gigantic graft was associated with the construction of a county bridge, and that there is evidence to show the existence of a bridge trust in the city and the county. No legal action seems to have been taken on the charges.—*Granite City, Illinois.* Ten men were arrested and held for bribery at the March elections. After an investigation made by the chief of police, a great many others were found to be involved. Four of those arrested were dismissed on March 30 for lack of evidence.—*Greeley, Colorado.* An investigation has been undertaken by Governor Ammons of the charges of grafting preferred against the president of the Greeley normal school, who has been denounced in the newspapers as the "Colorado Huerta who victimizes the innocent children of his opponents."—*Mt. Clemens, Michigan.* Charges have been brought against the acting superintendent of the water works and counter-charges against certain members of the board of public works.—*Muskogee, Oklahoma.* D. L. Middleton, county treasurer, was convicted of embezzling $4,000 from county money and sentenced to serve three years in the penitentiary as well as to pay a fine of $8,000.—*Newport, Kentucky.* In June, 1913, the first commission-government mayor of the city was indicted for false swearing and malfeasance in office in the award of contracts to a company in which he was greatly interested. A county judge and seven magistrates comprising the fiscal court of Campbell County were indicted on a charge of knowingly and unlawfully voting to expend and expending money in excess of the amount annually levied and appropriated to the road and bridge fund.—*Racine, Wisconsin.* Charges of graft in accepting small bribes were brought against members of the city council and other city officials. An investigation also was made into the affairs of the police department. —*Rock Island, Illinois.* A former state's attorney and the sheriff were jointly indicted on charges of conspiracy and bribery.

Sheridan, Colorado. Mayor Lawton and F. A. Dotson, a contractor, were found guilty in the district court of conspiracy to defraud the town of Sheridan in the matter of granting contracts and building sidewalks. Four trustees of the town, co-defendants, were acquitted. A new trial will be asked on the ground that the evidence was not sufficient.—*Springfield, Illinois.* Irregularities in the transactions of the state board of livestock commissioners led to an investigation by civil service experts. Graft to the extent of about $70,000, secured through the sale and purchase of hogs, is charged.—*Waukegan, Illinois.* The county treasurer was removed from office under suspicion of embezzling public money. —*Wellington, Kansas.* The mayor was accused of soliciting a rake-off of three per cent in the award of a contract in the water department. —*Zion City, Illinois.* Four aldermen, all members of the Independent party, were found guilty of forging ballots to increase their chances of election. All four have been discharged from the council.

SHORT ARTICLES

THE LATEST PRACTICE OF TOWN PLANNING IN THE UNITED STATES[1]

AMERICAN city planning seems, clearly, to be getting away from the draughting board. Or, rather, the draughting room is no longer its central office. The planner of towns must often have recourse to his draughting table, of course, however many hours he spends at his desk, in his library, or on the streets; but there was a time—not so long ago—when a city plan, as understood in America, was a thing of star-points that sang together in unison, as a firmament showing his handiwork; of French curves; of quadrigas, pylons, and fountains; of temples and palaces, suggesting dreams of a prix-de-Rome.

To-day, if one may judge by the published plans of the last eighteen or twenty months, city planning is not a showy affair, but a sober one. It requires thoughtful discussion, not wonderful pictures; it has more to do with laws and ordinances than with architectural compositions, and the manner of presentation is not as important as the matter. In short, not fine books, but better cities and towns is the goal. There is more consulting of responsible officials; and the whole thing is coming down to earth out of the roseate clouds—a new Jerusalem, one might say, "coming down out of heaven," if one were not afraid of getting biblical references too close together.

The American city plan reports published in the last few months, are for the following communities: Portland, Oregon; Houston, Texas; Dover, New Jersey; Raleigh, North Carolina; Newport, Rhode Island; Erie, Pennsylvania; Newark, New Jersey; Alton, Illinois; and Walpole, Massachusetts. In addition, partial reports—*i.e.* reports on special phases or aspects of a city plan—have been published for New Haven and New London, Connecticut, for St. Louis, Missouri, for Council Bluffs, Iowa, and for Jersey City, New Jersey. The two groups make a formidable list, but there probably can be no more accurate way of studying "the latest practice of town planning in the United States" than by a study of these latest reports.

To one who knows the physical, social, and commercial geography of America, the list is significant. It includes a city located on each coast, thousands of miles apart though they are. But there is more than a linear distance between old New London and new Houston, Texas; between populous Newark and little Dover; between gay Newport and industrial Alton; between commercial Portland and academic New Haven; or between placid Raleigh and Council Bluffs, upon whose steam railroads there is a "freight train every eleven minutes, and passenger every eight." These differences are at least as striking as that due merely to the miles that remove the west coast from the east.

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[1] Paper read at the town planning conference held in Cheltenham, England, June 22–27, 1914, under the auspices of the Institute of municipal and county engineers.

One can only think, in running over such a list of cities, and adding its evidence to the testimony of a list similarly made up eighteen months ago,[2] that all kinds of cities and towns, in all parts of the United States, have taken up town planning. And this judgment is correct. Clearly, then, with such variety of subject and of need, to look for any considerable uniformity in the practice of American town planning, would be to anticipate little adjustment between the want and its satisfaction.

There are other reasons for differences rather than for likenesses in these reports. They have been made by a half dozen different men, and they have been made to as many different organizations or parts of the city administration. The latter circumstance affects the manner of presentation and the emphasis hardly less than does the personnel of the planners. Though one were reporting the results of his study of a single town, one would not prepare the same report for the mayor and council as he would for a woman's club, for the board of trade as he would for the park commission, for a city plan commission as he would for an improvement society. In observing characteristics of the different reports, one should bear that fact in mind. It is notable, however, that more and more of the reports are made to official bodies.

The directness of its popular appeal gives to the American town planning report a human and vital quality which is far from the brevity or perfunctoriness of official records. Something out of the heart and life of its writer went, it may be supposed, into every one of the reports before us. If, in such work, there is an element of propagandism, the stimulating explanation is its recognition that it addresses an essential democracy.

That with this quality still strong, there could be a discarding of alluring "picture-plans" in favor of more practical and serious discussion, is witness to the town planning education of the masses and to a widened acceptance of town planning principles. The result is due in large measure to this very method of "reasoning together," which is the striking characteristic of an American city plan report. The American's town planning education has come from such reports—not, appreciably, from periodicals, books or lectures—and the studies still show no tendency to become only the maps of an expert, unintelligible in a popular sense because of technical excellence. At first the work of the poet and painter, almost of the evangelist, the reports are yet those of the pleader and advocate, not of the engineer. Text is not to elucidate maps and plans, but they exist to illustrate the text—a distinction of vast importance. To see maps and plans in an exhibition has never been to see a real town plan as that term is understood in the United States. Formerly, however, the citizen was supposed to acquire inspiration and enthusiasm from the plans, because it was supposed he would not have patience to read. Now he *is* expected to read, and to turn to the plans for illustrations.

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[2] See National Municipal Review, Vol. II, page 160.

With this said in introduction and explanation, the separate reports can be briefly characterized. Then certain common features will be noted, to indicate more fully the drift of the recommendations.

The largest city covered in recent reports is Newark, New Jersey, of which the population at the last census was 350,000. Two city planning studies have been published.[3] The first is by Charles F. Puff, Jr., who at the time was "city planning engineer" of the department of public works. It is issued by that department. The other, which appeared several months later, is from the municipality's official city plan commission and contains the report of George B. Ford and E. P. Goodrich, the experts retained by it. Both studies are attractively published; the latter in stiff cover with many plans, the former on larger paper with many photographs as well as plans. Necessarily, both reports consider the same subjects—streets, railroads and harbors, street car transportation, and recreation. In addition, the experts of the city plan commission devote considerable attention to the question of a public market.

In Mr. Puff's report, a striking statement is that he has placed a higher value upon "personal observation and survey than upon statistics," as in his judgment the plan "should not only *provide for* but *direct* traffic." "A great mass of statistics," he adds, "is intensely interesting and enlightening, but gathered under present conditions, for instance, they would be of no practical value whatever, should an avenue like the proposed Central avenue extension be opened." This is an interesting statement in itself, and for the light it throws on the spirit of the report. While appreciating that the protest has some force, one must object to putting quite so slight a value on statistics. In the very case mentioned, they are essential to determine, first, whether such an extension is necessary, and, secondly, if it is, what its traffic capacity should be. Yet on the whole there is much in the report which is wise in theory, stimulating and suggestive.

The report of Messrs. Goodrich and Ford does not err on the side of undervaluation of statistics. Their traffic counts, for example, are probably the most elaborate and costly that have been ever made in the United States as precedent to a town plan study. There are other features which give a character of its own to the city plan commission report; and this, it may be added, has rather superseded the earlier one. Mr.

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[3] The City Plan of Newark, N. J. Report on the Comprehensive Planning of the Metropolitan District of Greater Newark submitted to Morris R. Sherrerd, Chief Engineer, Department of Public Works, by Charles Frederick Puff, Jr. July, 1912.

City Planning for Newark. The City Plan Commission. Newark, New Jersey, December 31, 1913.

Puff has resigned his position and the department of public works is in coöperation with the commission.

When it is said that the entire report makes a volume of nearly two hundred pages, there will be appreciation of the fact that especially good points are an elaborate table of contents, an index very notable for its completeness, and a two page "summary." These greatly enhance the usefulness of the study. There is a good introductory chapter—not a portion of the experts' report—on Newark's advantages. One cannot miss the significance of its inclusion. Then comes the report proper. The first three chapters are devoted to streets. Series of plans and maps show the suggested changes, which the text describes. Here alone, among recent American reports, there has been no attempt to give continuity in a literary sense to the recommendations of these chapters. This method of presentation, while not pleasant, might be effective if the comments were sufficiently terse. The text, however, instead of reading as if a business man or engineer were describing the merits of the proposed changes, is suggestive in parts of a Sunday school superintendent addressing children. But the ideas appear to be good. The chapter on harbor development is exceptionally fine; there is also a valuable review of the commission's work and a most interesting collection of statistical data on the street railroad situation. Unfortunately the long special report, of which these latter statistics formed the basis, has not been printed. The report, as a whole, gives, to an unusual degree, the desirable impression that a plan is a living, growing thing.

Next after Newark, in point of size, comes Portland, Oregon, among the American cities for which plan reports have been lately published. The report[4] is made by Edward H. Bennett, whose long association with the late Daniel H. Burnham has stamped his work with the largeness of vision and daring imagination that were the special characteristics of the Burnham city plans. In fact, on the first page of his "Greater Portland plan," Mr. Bennett quotes these words from his master: "Make no little plans; they have no magic to stir men's blood. . . . Make big plans, aim high in hope and work, remembering that a noble, logical diagram, once recorded, will never die."

Mr. Bennett, who more than once has proved his ability to live up to this injunction, does not fail when handling so inspiring a subject as Portland. We have only his preliminary report, but a foreword states that it sets forth "his main ideas," and largely in his own phraseology. Moreover, the report is copiously illustrated with his maps and diagrams, as well as with photographs. It is, however, presented with less dignity of form, as a publication, than any of the other recent city plan reports.

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[4] The Greater Portland Plan of Edward H. Bennett. Edited by Marshall N. Dana. Portland, Ore., October, 1912.

Yet it was published by the official city plan committee on an appropriation from the common council.

Portland's plan anticipates the time when the present city of a quarter million will have a population eight times as large and when its present area of fifty-four square miles will have been increased to 150 square miles. Necessarily, great traffic arteries, the development of diagonal streets, the creation of boulevards, and a project for the extension of the business center are primary considerations of the plan. It contemplates an increase in park acreage, from the 650 acres now possessed, to reservations—partly forest—that would total nearly eight thousand acres. The grouping of the public buildings in an imposing civic center, a larger commercial use of the river, and an extension of the steam railroad facilities for both freight and passenger service are other features of this "big" plan. For all the relative insignificance of its small paper-bound publication, it is probably the most far-seeing—perhaps this is another way of saying the most visionary—of all the later city plan reports. It is most like the earlier type of plan. But it was made for a western city which is rich and has grown rapidly, and it was made for an official commission. There should be recollection, also, that Portland's nearest rival, Seattle, brought out exceedingly elaborate plans a couple of years ago. It is likely, therefore, that the commonplace and easily attainable would not have been locally acceptable.

In size, the cities that come next upon the list are Houston, Texas, and Erie, Pennsylvania, with populations at the last census of seventy-eight and sixty-six thousand respectively. Except in size, these cities have little similarity, and their reports, made by different men, are totally unlike. That for Houston[5] is by Arthur C. Comey. It is attractively issued in book form, with stiff covers; and in common with all the other reports is fully illustrated. Mr. Comey spent several months in Houston in its preparation, and its special characteristics are its thorough comparative survey, physical, social and financial, and its discussion of desirable legislation. The latter includes, for instance, a consideration of the limitation of building heights that placed this report in a class almost by itself, until the recent issue of the very elaborate report of the New York City Commission on this subject.

Yet the report is modestly described as a "tentative plan." It is addressed to the park commission, and Mr. Comey by profession is a landscape architect, but it cannot be said that he has put a disproportionate emphasis on this phase of the subject. In fact, the outline which he presents in his opening chapter, of the topics to be considered by a city plan, is a very interesting and just analysis, in which parks are given no more than their rightful place. Mr. Comey's report is notable also for its attempt to indicate the relative urgency of the various projects that are suggested and for its clear statement of the steps of procedure which he considers to be locally desirable.

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[5] Houston: Tentative Plans for its Development. Report to the Houston Park Commission by Arthur Coleman Comey. 1913.

"Greater Erie,"[6] as the Erie report is called, is a most elaborate and ambitious publication. There is nothing modest about its presentation. The city planning portion of it is by Dr. John Nolen, and this is supplemented by chapters on transportation facilities by E. P. Goodrich and F. Van Z. Lane, on the development of commerce by Henry C. Long, on legal matters by a local committee, and by several appendices whcih contain the history of Erie and many pertinent facts as to the city's present development. The whole report, with its pictures, elaborately printed quotations, etc., bulks larger than any other three or four of the recent reports put together. This is largely due, it should be stated, to the energy and enthusiasm of the city planning committee of the Erie chamber of commerce and board of trade, to whom the report was addressed, and by whom it was financed at a cost of something more than $5000. This energy and enthusiasm has at once resulted in the appointment of an official commission, under such leadership that Doctor Nolen is hopeful that much which the report suggests will be promptly realized.

The arrangement of the Erie material, under five heads—streets, railroads, water-front, buildings, and open spaces—is such that in each case a brief statement of existing conditions is followed by a statement of general recommendations and these in fuller detail by specific recommendations. As this method lends itself to matter-of-fact and uninspiring statements, there has been an attempt to provide an emotional appeal by a sprinkling of conspicuously-placed quotations—not always relevant to the adjacent text—and by striking pictures. The result is pretty good at first glance, but clearly Erie was not of itself an inspiring subject. Doctor Nolen handles it, however, with his customary conscientiousness, and there should be special mention of the chapter by Messrs. Goodrich and Lane on street transportation facilities. This is a very concrete and practical discussion, closing with an outline that might be taken as a model for the complete examination of the transportation system of any city.

Newport is hardly to be judged as other towns. As a fashionable resort, where some of the richest people of America have built themselves palatial summer homes, and so have raised land values to a height unequalled in other cities of its size, no one much cares that its winter census is less than half that of Erie. Newport's needs and Newport's ability in city planning are not to be gauged by the population figures. It is, then, no surprise to find that the report on "Proposed Improvements for Newport," [7] was prepared by Frederick Law Olmsted, chairman of the national city planning conference and widely known as a high priced designer of beautiful estates, and that it has been published in the most sumptuous dress of all the recent reports—if allowance be made for comparative brevity of text.

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[6] Greater Erie: Plans and Reports for the Extension and Improvement of the City. Prepared for the City Planning Committee of The Chamber of Commerce and The Board of Trade of Erie, Pennsylvania. John Nolen, City Planner; E. P. Goodrich, Consulting Engineer; Henry C. Long, Commercial Development; F. Van Z. Lane, Traffic Expert. 1913–14.

Newport, however, has something more interesting, because more fundamental, than fashion and wealth, to a degree which is possessed by few other American towns. This is picturesqueness. It is one of the oldest of American cities, and to the attractiveness of its air and natural scenery is to be added this unusual charm of picturesqueness, as a heritage from days when streets were narrow and neither regular nor straight, when houses were substantial rather than pretentious, and when gardens, screened by fence or wall, could express the individuality of those who loved them and used them. Mr. Olmsted was quick to perceive this, and keen in his analysis that a secret of Newport's charm was that "its scale is small and intimate." He recognizes that while, in most towns, convenience, ease of communication, increase of efficiency and sociological betterment are the principal desiderata, in Newport, prosperity mainly depends on the continued favor of fashion, and that to destroy the charm of the town by ironing out its picturesque quality, even when this involves some community inconvenience, would be "a pitiably wasteful folly." The task that is set him, therefore, is no easy one. To increase the capacity of little streets without robbing them of their charm, to widen highways and yet save brave old trees, to secure for the public some of that lovely natural scenery which wealth has so largely absorbed for its personal enjoyment, these are the special needs that give to the Newport problem a character of its own.

In coming to Raleigh and Alton—one a capital city and one an industrial town—there is more in common than a likeness of population. This the last census placed as only between eighteen and twenty thousand. Each town is greatly in need of those elementary, fundamental things whose presence may usually be taken for granted when an existing city authorizes a town plan. The reports [8] recognize this need and attempt to adjust themselves to it. *Landscape Architecture*, the quarterly organ of the American society of landscape architects, says of one of them:

> Relating to the planning of the future city, Mr. Robinson discusses the financial preparedness of Raleigh to undertake this work, and offers

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[7] Proposed Improvements for Newport: A report prepared for the Newport Improvement Association by Frederick Law Olmsted. 1913.

[8] A City Plan for Raleigh, being a Report to the Civic Department of the Woman's Club of Raleigh, N. C., by Charles Mulford Robinson. 1913.

The Advancement of Alton, Illinois: A General City Plan Study for the Board of Trade. Charles Mulford Robinson. January, 1914.

definite practical suggestions as to certain street changes, park additions, new playgrounds, park connections, and consideration of the suburbs which at some future time may become portions of the larger city. All the suggestions are matters of applied common sense, which look very simple and obvious when stated in a report, and which might hardly seem, without consideration, to be worth the employment of an expert to discover. But, as a matter of fact, if all these simple suggestions were carried out, which they readily could be with the means at hand, the effect on the beauty and prosperity of the city would be greater than could be secured, at least in the immediate future, by the adoption with much flourish of an elaborate plan on paper for future grandeur. A report of this kind is much like medical advice to a patient from a skilled practitioner, consisting in nothing more than recommendations to confine his diet to certain kinds of food. It sounds simple, it is easy to practice, but it is more effective than expensive medicine.

Much the same comment might apply to the study of Alton, made by the same man. It is interesting to note that in the one case the report was authorized by the woman's club and in the other by the board of trade, and that in both instances the reports, which are quite long, are published in an unpretentious, but an attractive and dignified form.

Dover and Walpole, with populations of seven and five thousand respectively, are little more than villages. The significant and encouraging feature is that such small towns had the enterprise to send for town planners—for the same men who, respectively, planned Houston and Erie—to advise them how best to prepare for the future. The Dover report[9] is a neat little pamphlet; the Walpole[10] has been published as yet in only a preliminary folder. The attractive development of the town center and the early setting apart of sufficient park and playground areas are the dominant common problems of these towns.

It is clear, as one goes through these latest town planning reports, that in the American practice there is a little of the stereotyped. For all the much criticized standardization of the earlier American street plans, the town planner, more on the lookout for differences than likenesses, finds each problem a new and fresh one, demanding original solution. Whatever there may be to fear in the town planning wave that to-day is sweeping the United States, the bogy of a loss of town individuality cannot yet justify an anxious thought.

Once this is duly recognized, it is interesting to note that the emphasis, which at first was on civic centers, and then on park systems, seems in these latest reports to be setting strongly toward concern for circulatory problems. The convenient handling of street traffic in main highway systems, and after that a more efficient development of railroad terminals, are subjects that each report takes up with earnestness. This is in response, no doubt, to the growing congestion of all kinds of traffic and especially to that expansion of street traffic which has come with the automobile. The modern town is confronted by new conditions in the street traffic's speeding up, its growth in volume and its increase in complexity. As to the emphasis of the future, if one may venture a guess from the signs that are given in these late reports, it is to be on industrial efficiency, on harbor improvement, and on housing.

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[9] Town Planning for Dover, N. J. Report to the Mayor and Common Council by Arthur Coleman Comey. 1913.

[10] Walpole: Plan To-day for To-morrow. Folder containing plans of John Nolen, issued by the Town Planning Committee.

Since each change of emphasis carries standards higher, so that thereafter there is no slipping back to the old neglect, the American town plan of the near future should be an exceedingly comprehensive and well-rounded study, in which civic centers, parks and recreative provision, traffic accommodation, transportation, industrial efficiency and better housing will each have due consideration. The only danger, if danger it may be called, is that the standard will be placed so high that no single town planner, and no single town plan, will venture to attempt so much. From this point of view, the coöperation of different experts (as instanced in the Newark and Erie plans), and the several partial reports of the last few months (that take up phases only of a town plan) are very likely significant.

There are several examples of the latter. E. P. Goodrich and George B. Ford present to the city plan commission of Jersey City an illustrated report, published in sixty pages of unbroken text, on simply "plan of procedure."[11] This is an outline only of the subjects of which, in their judgment, the plan commission should authorize a study, with suggestion of the direction that in each case the study ought to take. From New Haven come pamphlets on two different subjects, by two town planners. Mr. Olmsted's is a discussion of building lines in a single ward[12]—virtually a consideration of steps for street widening. It is notable that it is made to a joint committee of the civic federation and the chamber of commerce. The other,[13] by Frederick L. Ford, one of the few well-known American students of city planning who is a city engineer, discusses the improvement of the harbor front and an approach to the new railroad station which the city was hoping to secure. It is as considerable in bulk as some of the so-called city plan reports, and is made to the mayor and a committee of aldermen. From St. Louis comes a most interesting description of a central traffic-parkway, designed to pass the public buildings and the union railroad station and to facilitate traffic intercourse between the business and residence parts of town, the while it redeems a blighted district. This report, which is handsomely issued, bears the imprint of the city's official plan commission.[14] The reports which are issued from New London[15] and Council Bluffs[16] outline park systems. They were made by town planners at the request of the park commissions.

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[11] Report of Suggested Plan of Procedure for City Plan Commission, City of Jersey City, New Jersey, by E. P. Goodrich, Geo. B. Ford. May 1, 1913.

[12] Building Lines in the First Ward of New Haven. Report of Frederick Law Olmsted. Issued by Joint Committee of the Civic Federation and the Chamber of Commerce on Streets and Building Lines. 1913.

[13] Report on Railroad Station Approach and Harbor Front Improvements. Made to Hon. Frank J. Rice, Mayor of the City of New Haven and to Mr. Amos F. Barnes, Chairman Aldermanic Approach Committee, by Frederick L. Ford. September, 1912.

In closing, a third type of city planning publication demands recognition, for the light it may throw on recent American practice. This is the annual report of official plan commissions such as those of Hartford and of Pittsburgh. There are few of these yet, and of the few, first reports are only beginning to appear. But they are destined to become a growingly important branch of American town planning literature, and doubtless we shall soon be turning to them for the most accurate record of actual town planning progress in the United States. From that point of view, the report from Pittsburgh,[17] taking up briefly but clearly the status of the various projects that are being locally considered or developed, is a model in arrangement. When many cities and towns are annually issuing such reports, upon a like official authority, town planning will have graduated into town building.

Charles Mulford Robinson.

Rochester, N. Y.

PITTSBURGH'S HUMP

SINCE the days of the early history of Pittsburgh in the middle of the seventeenth century, the eminence known as Grants hill, now more often referred to as the "hump," has proved a barrier to both traffic and the extension of the business district. The name Grants hill was given this elevation on account of it being the site of the battle between the English under command of Colonel James Grant and the French and Indians on the morning of September 14, 1785. It was on this occasion that history first records the fact that this hill

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[14] St. Louis Central Traffic-Parkway Recommended by The City Plan Commission. July, 1912.

[15] General Plan of a Park and Playground System for New London, Conn., by John Nolen. 1913.

[16] Report on a Park System for Council Bluffs, Ia. Made to the Board of Park Commissioners by Charles Mulford Robinson. 1913.

[17] Annual Report of the Department of City Planning, Pittsburgh, Pa., for the fiscal year ending January 31, 1913.

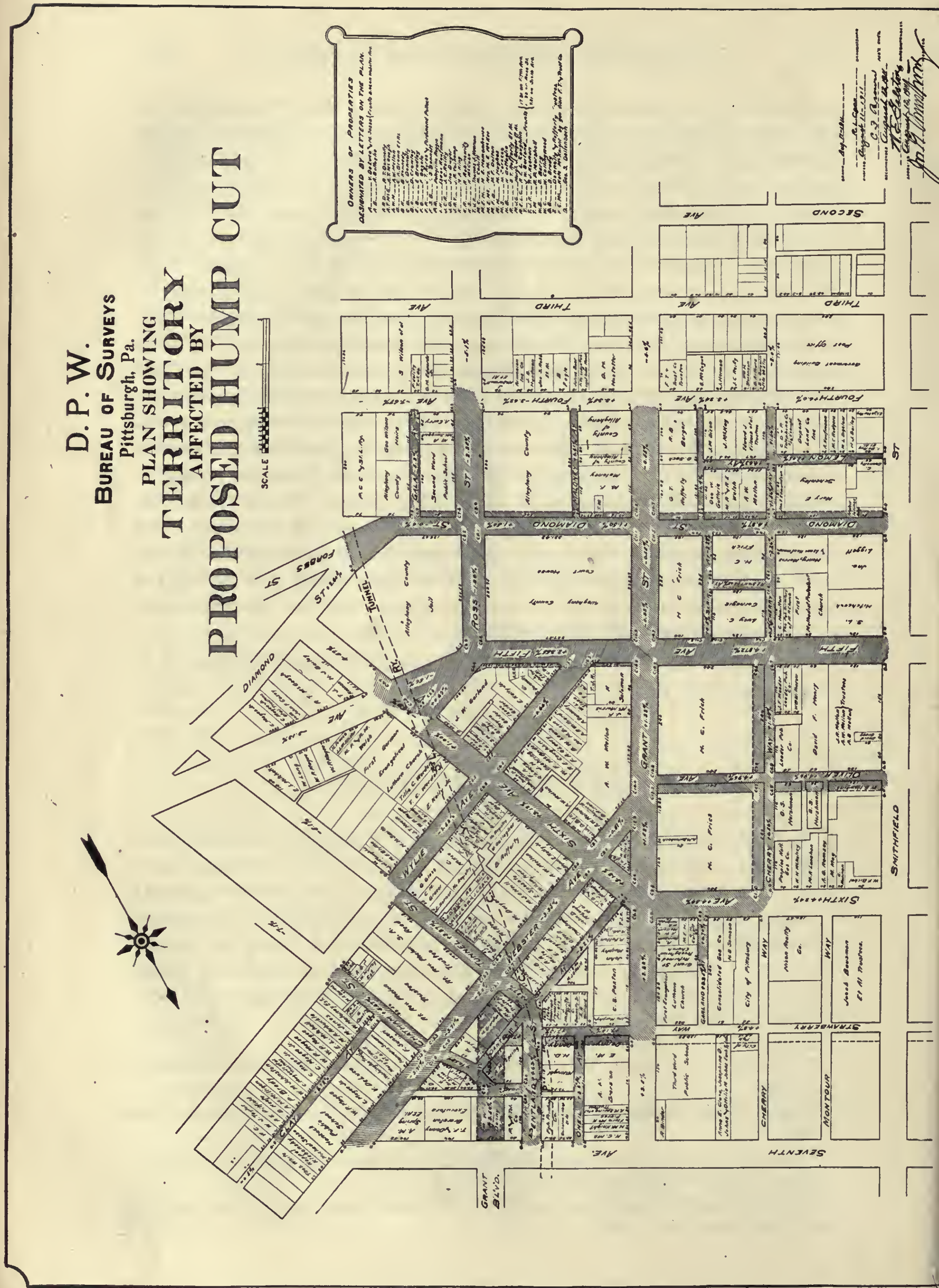
D. P. W.
Bureau of Surveys
Pittsburgh, Pa.
Plan Showing
Territory
Affected by
Proposed Hump Cut
Scale
Owners of Properties
Designated by Letters on the Plan.
Forbes St
Diamond St
Ross St
Fourth Ave
Third Ave
Second Ave
Fifth Ave
Grant St
Sixth Ave
Seventh Ave
Wylie Ave
Webster Ave
Tunnel
Grant Blvd.
Cherry Way
Oliver Ave
Smithfield St
Strawberry Way
Montour Way
Lemon Way
Post Office
Court House
Allegheny County Jail
H. C. Frick
Carnegie
First Presbyterian Church
First German Evangelical Lutheran Church
City of Pittsburg
Third Ward Public School

FIGURE 1 SHOWING GENERAL PLAN OF HUMP CUT

proved an obstruction to traffic. The hill then covered with underbrush and briars and gashed with ravines and gulleys proved a decided barrier to the routed English.

In "The Town of Pittsburgh," laid out by George Woods, surveyor, by order of Tench Francis, Esq., attorney for John Penn, Junior, and John Penn in 1784, Grants hill formed the eastern boundary, the town being in the form of a triangle with the Allegheny and the Monongahela rivers for the other sides.

The elevation of Grant street at this time is unknown, but the block between Fifth avenue and Diamond alley was sufficiently high to be chosen as the site for a distributing reservoir, the elevation of the basin being recorded as 116 feet above the Allegheny river, which is practically the zero of the present city datum. This basin was used until about 1844 when it was replaced by a new one erected on the top of Stone Quarry hill.

Soon after the incorporation of Pittsburgh, the "hump" began to receive notice as an obstruction to traffic with the surrounding territory and as early as 1836, councils passed an ordinance re-establishing the grade of Grant street and Fifth avenue. This ordinance, fixing the new grade at the intersection of these streets, stated that the elevation "shall be reduced ten feet below the present surface and the permanent grade thereof shall be fixed at ten feet below the top of the middle front door sill of Saint Paul's Church." The same ordinance provided for the raising of the intersection of Fifth avenue and Smithfield street four feet. The maximum gradient of Fifth avenue over the hump was therefore reduced about two and eight tenths per cent.

It is difficult to give the exact date when this cut was made, but that the work was started soon after the enactment of the ordinance fixing the grade is generally accepted.

With the rapid growth and expansion of the city and the resulting increase of traffic to and from the "point," the reduced grades were still found to be a drawback to the section of the city immediately beyond Grants hill. We therefore find that in November, 1847, councils provided for the removing a second slice from the hump. This time the ordinance re-establishing the grade of Fifth avenue provided "that Fifth street shall have an ascending grade from a point opposite the line between lots 381 and 382 to two feet above the upper curb of Smithfield street, at its present grade, and that Fifth avenue shall rise from the grade of Smithfield street to Grant street seven feet below the present grade thereof."

As the years passed and Pittsburgh continued to expand and develop until she became the leading iron center of the country, it was realized that still more of the hump must come off. The economical depth of cut to be made and the means of financing the proposition were discussed from time to time. It was, however, not until more than sixty years after the second slice had been removed that the administration and council decided the work of reducing the grades over this barrier for the third time must be done. In November, 1911, a councilmanic bond issue was voted and likewise the necessary grade and improvement ordinances passed.

The contract was awarded April 5, 1912, to Booth & Flinn calling for the completion of the improvement prior to January 1, 1914, the estimated cost for regrading, recurbing, repaving and relaying the sewers and water lines being $690,000.

In addition to the regrading of the streets within the hump district, it became apparent that, with the present congested conditions of the thoroughfares in this district, the improvement would be minimized to a large degree if Grant boulevard was not extended to a connection with the more centralized street system and several other streets and alleys widened to care for the rapidly increasing traffic.

It was consequently decided that, although the expense would be almost unparalleled, several of the more essential changes in the plan of streets of the district should be made simultaneous with this third lowering of the hump. The proposition, therefore, assumed greater magnitude with the authorization for the changes in the widths of six centrally located streets and as a whole was probably one of the most extensive and costly municipal improvements, of like nature, ever undertaken in an old built-up city district in this country.

It must be remembered that all of the blocks affected by the change contained buildings that had to be remodeled at an enormous expense to the owners or removed to make room for the larger and more modern structures that will be erected.

In view of the fact that the property holders are now assured that the grades of the streets are definitely fixed for another half century or more, and with the former objection to the use of this section for an extension to the principal retail district, to which it is contiguous, removed, it is estimated that more than $20,000,000 will be spent for new buildings within the next few years. As a matter of fact, at this date, plans are under way for new buildings in excess of $7,000,000.

Figure 1 is a map of the affected territory, showing the street extension and widening, the depth of cuts at the various intersections and the new gradients. For the extension of Grant boulevard, the widening of Fifth avenue, Oliver avenue, Diamond street, Strawberry way and Cherry way some of the most valuable properties in the city were appropriated. The entire improvement was completed about the middle of December, substantially as shown, with the exception of the widening of Diamond street between Smithfield street and Grant street, which was deferred until some future date.

Table 1 shows a comparison of the old and new grades on the main avenues and streets and Table 2 shows the cost to the city and the abutting property holders for the widening of the thoroughfares named, as fixed by the board of county viewers, together with the estimated cost of the various items included in the general improvement.

TABLE 1

Showing the Old and New Rates of Grades on the Main Streets and Avenues

STREET	FROM	TO	OLD RATE	NEW RATE
Fifth avenue	Smithfield St.	Grant St.	7.6	4.872
	Grant St.	Wylie Ave.	3.5	2.355
	Wylie Ave.	Ross St.	1.7	2.355
	Ross St.	Sixth Ave.	5.0	1.56
Diamond street	Smithfield St.	Grant St.	7.0	4.87
	Grant St.	Ross St.	2.6	1.50
	Ross St.	Forbes St.	4.3	0.6
Oliver avenue	Smithfield St.	Grant St.	7.7	4.96
Sixth avenue	Cherry Way	Grant St.	6.7	4.54
	Grant St.	Wylie Ave.	5.0	3.18
	Wylie Ave.	Fifth Ave.	2.5	1.00
Grant street	Fourth Ave.	Diamond St.	4.8	0.55
	Diamond St.	Fifth Ave.	2.3	0.55
	Fifth Ave.	Oliver Ave.	2.0	1.22
	Oliver Ave.	Sixth Ave.	4.2	1.42
	Sixth Ave.	Strawberry Way	4.2	2.29
Webster avenue	Grant St.	Sixth Ave.	5.0	0.87
	Sixth Ave.	Tunnel St.	5.0	3.5
	Tunnel St.	Seventh Ave.	2.5	3.71
Strawberry Way	Grant St.	Pentland St.	11.6	7.13

TABLE 2

SHOWING COST TO CITY OF VARIOUS IMPROVEMENTS IN CONNECTION WITH "HUMP CUT"

NAME	FROM	TO	BENEFITS ASSESSED AGAINST PROPERTY OWNERS	DAMAGES ASSESSED AGAINST CITY
Grand Blvd. extension	Seventh Ave.	Webster Ave.	$30,084.00	$289,481.77
Cherry Way, widening	Fifth Ave.	Sixth Ave.	299,951.60	271,048.40
Fifth Ave., widening	Grant St.	Ross St.	43,884.00	213,232.16
Oliver Ave., widening	Smithfield St.	Grant St.	492,425.00	44,797.00
Strawberry Way, widening	Grant St.	Pentland St.	42,657.00	84,417.00
Awards for damages account change in grade alone for properties on which damage waivers were not obtained (estimated)				341,215.00
Expense account adjustment of buildings for which damages were waived by property holders (estimated)			1,000,000.00	
Expense of public service corporation in lowering conduits, relaying railway tracks, etc. (estimated)			500,000.00	
Physical work, regrading, repaving, recurbing, relaying sewer, etc. (final estimate)				732,019.16
Relaying water main				54,000.00
			$2,409,001.60	$2,030,210.49

Estimated cost of two former Hump Cuts, $100,000.00.

With the completion of the project many criticisms as well as words of commendation have been heard regarding the improvement in general. Those having the plans in charge never felt that the ideal condition had even been approached, but they were assured that the results were the best that could be accomplished under the existing conditions. In any municipal improvement of this nature, the nearest approach to a perfect plan that can be considered attainable is always a compromise between the ideal plan and the limit to which the abutting property holders, taken as a unit, can be induced to go, after being convinced that their holdings will be benefited to the extent of the damage, measured by the value of the property before and after the change is made.

In the reduction of the hump, involving an area of approximately thirty-five acres owned by over 180 holders, it is evident that many concessions must be made in order to secure release from all damage due to the change of grade of nearly seventy-five per cent of the area affected. With the completion of the third and greatest hump cut, barring some slight changes that might have been advantageous at different points, it is generally agreed that the improvement was well planned and admirably executed. The unsettled conditions existing in this section for more than a score of years is now thoroughly established and with the grades of the streets reduced and fixed, the way is clear for the early completion of the great building projects that have been so long delayed.

The preparation of all plans as well as the supervision of the contract work was done by the department of Public Works, under the direction of Joseph G. Armstrong, director, now mayor of the city.

The alterations consequent upon the cutting of the hump for such large buildings as the Allegheny County court house and jail, the Frick and Carnegie office buildings and the Kaufmann stores and other large buildings, have been completed. But the repaved streets enclose other squares, which are still covered with old and worthless buildings, that have remained undisturbed for years, in anticipation of this improvement. They now look as though a conflagration had swept over them. We are therefore left to the imagination only for the far-reaching results, which must follow the completion of this great municipal undertaking. But there are signs, which indicate the magnitude of the reconstruction, which is already begun.

The preliminaries having been settled between the municipal authorities and the county commissioners, the architect has planned for a joint structure to include a new city hall and a new county building or annex, on Fourth avenue, Grant and Diamond streets, which together will cost approximately $2,500,000 for the buildings, not including the cost of site, furnishing, or fixtures. These buildings with Henry H. Richardson's masterpiece, the county court house and jail, will form a prominent part of the western side of a great civic center in the hump district.

The William Pitt theatre, which is to be built forthwith at the corner of Oliver avenue and Cherry way at a cost of $250,000, will also be on the western side of the hump district.

The latest building project in this district is that of the William Penn hotel, to be built by the Fort Pitt Hotel Company on a site purchased from H. C. Frick, 130 by 216 feet, bounded by Sixth avenue, Oliver avenue and Cherry way. The site cost $1,684,800, or $60 per square foot. The hotel building, which will be modern in every particular, will contain 900 rooms and will cost from $2,000,000 to $2,500,000; with an additional $750,000 for furnishing and equipment will make a total cost of about $5,000,000.

These large building projects are precursors of what must soon follow in vindication of the farsightedness, courage and indomitable energy, which carried this formidable undertaking to completion.

U. N. ARTHUR.[1]

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[1] Principal Assistant Engineer, Bureau of Engineering, Department of Public Works, Pittsburgh.

THE MUNICIPAL RAILWAYS OF SAN FRANCISCO[1]

SAN FRANCISCO'S municipal railway system has been in operation since December 28, 1912, when the Geary street road was opened from Kearny street to Thirty-third avenue and the Park. Since that time it has considerably extended its operations. On June 24, 1913, the Geary street road was opened from Kearny street to the Embarcadero on the east, and from Thirty-third avenue to the ocean beach on the west, making a road a little over seven and one-half miles of double track. On August 26, 1913, the people voted to authorize a bond issue of $3,500,000 for railroad extensions. On December 11, 1913, the municipal railway added three and nine-tenths miles of road by the purchase of the tracks, cars and equipment of the Presidio and Ferries Railroad, usually known as the Union street road, on the expiration of its franchise. On April 6, 1914, ground was broken for the construction of a line on Van Ness avenue from Market street to Fort Mason and the grounds of the Panama Pacific International Exposition, which will add three and seven hundredths miles of road by September 1. The contract for laying the extension of this line across Market street and over Eleventh street and Potrero avenue to Twenty-fifth street, two and two-tenths miles, was awarded in the month of May. The contract for the road from Stockton and Market streets to the exposition grounds will be awarded a little later, as will that for a tributary line in the western district from Geary street and Second avenue out California street to Thirty-third avenue. With the construction of these roads the city will have two main lines running east and west, connected by two cross-town lines with a total length of about eighteen and seven-tenths miles. In addition, money has been voted for a line to run from Van Ness avenue and Market streets west to Church street and out Church to Twenty-ninth street, two and forty-five hundredths miles, but the objection of the Church street property owners to paying for the changes of street grades necessary to the road will probably postpone construction of this line for a long time.

The accounts of the operation of the Geary street road from its opening on December 28, 1912, to December 31, 1913, have recently been published and show a fair degree of success for municipal operation. The summary of the figures is as follows:

Operating revenues	$444,747.73
Operating expenses	291,431.36

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. 1, page 724; Vol. III, page 382.

Net operating revenue		$153,316.37
Add miscellaneous income		1,328.64
Deduct taxes	$35,454.00	$154,654.01
Interest on funded debt	73,886.54	
		109,340.54
Net profit		$45,304.47

The taxes include the following items:

Taxes (comparison charges required by charter)

Municipal franchise, 3% on pass. revenue	$13,331.79
Municipal car license	547.50
State franchise, 4¾% on gross revenue	21,125.51
Federal income, 1% on net income	449.20
Total taxes	$35,454.00

The operating expenses include, besides the cost of wages, salaries and materials, an allowance of $80,054.50 for depreciation and accidents (based on a standard allowance of fourteen per cent of gross revenue for depreciation and four per cent for accidents), and a charge of $4,587.33 for services rendered by other city departments.

As the repayment of the debt does not begin until 1915 no allowance is made for sinking fund. The bonds issued are serials, and $101,000 will fall due each year from 1915 to 1934. The question whether the net profit will meet the sinking fund requirements is very naturally raised, and there seems no doubt that it will be sufficient unless the pressure to put more men on the road than are required for economical operation becomes too strong, or wages are advanced or forces reduced.

The net operating revenue for the first six months of operation with a partially constructed road (December 28, 1912, to June 30, 1913) was only $37,879.55. For the second six months it was $17,494.90 in January, grew to $52,219.86 in December, and still further advanced to $58,969.50 in March 1914. The net operating revenue will probably reach $250,000 for the present year instead of the $153,316.37 yielded in 1913.

Curiously enough the municipal statement attempts to show a net profit from the road of $85,345.80 by adding to the true net profit of $45,304.47 the items of taxes and cost of services rendered by other departments. As these items are set aside as a replacement of loss to the public treasury through deprivation of revenue by public ownership, or expenses incurred on behalf of the road and paid for by funds charged to other departments, it is rather strange that they should be put forward as profits to the public through public ownership. In a sense, the amount that would be paid to the state and federal government in taxes may be regarded as a profit to the city, though even this is a doubtful item.

The Union street line is proving a better money maker than the Geary street line. It is about half the length, costs only $312,000, or about one-sixth the cost of the Geary street line, and took in $29,715.10, or $958.55 a day, during March, against a daily average of $1,902.24 for the Geary street line.

The service on Geary street has been much improved by the city's line, and this has had an effect of stimulating similar improvements on the parallel lines of the United railroads. The municipal service has not, however, had any noticeable effect in eliminating the "straphangers." It remains true on public as on private roads that the standing passengers pay the profits. The employees, however, are polite and accommodating, and there is an evident effort in the management of the road to suit the public convenience. The men appear well content, receiving a wage of $3 a day for eight hours of work, and except for the extra men hired on the "rush hour" runs, most of them complete their eight hours of work in a total of ten hours. (The rate paid on the private roads is from twenty-five to thirty cents an hour depending on length of service.) The men are selected by civil service examinations and hold during good behavior. They may, however, be dismissed without trial.

Altogether the people of San Francisco are well pleased, thus far, with their experiment in municipal ownership of street railroads. It has not proved the gold mine that some of its over-enthusiastic promoters promised. But it has improved service, bettered the condition of the working force, paid its way, and given promise of securing the extensions that could not be secured under the regulations imposed on private ownership.

E. A. WALCOTT.[2]

THE GOETHALS POLICE BILLS

PRO

UNDER the New York city charter a policeman is entitled to a trial upon written charges before he may be disciplined or discharged. He has the further privilege of having the action of the police commissioner reviewed by the courts. On a writ of *certiorari* he may have the paper record of his trial at police headquarters reviewed by a judge of the supreme court, and he may carry such review to the highest court in the state. The court does not hear nor see any witnesses and no new testimony may be introduced; but the action of the police commissioner may be reversed on such review.

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[2] Executive Secretary, Commonwealth Club of California.

Mayor Mitchel's police bills constitute the first real challenge which court review has received. But the subject is by no means new to New York City. General Bingham, Judge McAdoo, and District Attorney Cropsey each left the police commissionership convinced of the evils of court review. Ex-mayors Low and McClellan also reached the same conclusion. On the other hand the aldermanic police investigation of 1912–13 reported in favor of its retention, and the citizens' committee, while in grave doubt, made no recommendation for its abolition. And even though the abolition of court review was favored this winter by the City Club, the Citizens' Union, the Chamber of Commerce, the Merchants' Association, and other powerful organizations, it is probably true that a solid consensus of opinion has not yet been established in favor of such abolition.

There is still existing a considerable and honest belief that court review is a protection to the honest policeman against bad commissioners on the one hand, and on the other, against law-breakers and politicians who seek to secure the dismissal of good men from the force.

If this belief were justified by the facts, it would constitute an ample public reason for continuing court review; but I am personally thoroughly convinced that the facts lead to a very different conclusion.

The assumption that court review constitutes a protection to the honest policemen against a dishonest police administration is pure assumption and nothing else. Court review was in existence all through the Devery régime. It was Devery's custom to hear at least the more important cases, and even when perpetrating the grossest injustice he would defy the policemen to secure redress through court review. Any commissioner who is dishonest and who has made up his mind to get rid of any particular man can and will so frame his case that there will be no legal flaws in the record which goes to the court. Perjury on paper can be in as good legal form as the truth.

Similarly, perjury on the part of the law-breakers or politicians, if not detected during the trial at police headquarters, will not be upset by court review. Again, court review is quite expensive. The ordinary honest policeman will find it difficult to finance such a proceeding. The large majority of appeals are carried up by inspectors, captains and other officers, not by patrolmen.

Hence court review has been the most important refuge of the corrupt and unfit officers of the New York police force. The testimony on this point is almost unanimous, except for General Greene, who was commissioner under Mayor Low. In a letter to the *New York Times*, dated January 28, 1914, General Greene contended that the present law is sufficient and that he operated satisfactorily under it.

Those familiar with New York's development will immediately recognize that General Greene was one of our very good police commissioners.

Fortunately, however, his contention can be disproved by the records of his own administration. The City Club worked with him steadily during his term of office and in October, 1903, published a report on the condition of the department. On page 63 of that report there occurs the following paragraph:

> The dismissals made by Commissioner Greene have included some of the worst officers in the department. *There are still men in the force who have bad reputations and who are known to have been grafters; but they have managed to cover their past operations so well that it has not been possible to secure legal proof against them.*

The paragraph then goes on to give special credit for the dismissals of Inspectors Grant and Cross, Captains Gannon and Stephenson, and Sergeant Shiels. Of these all but one were reinstated by the courts as follows:

Inspector Grant in April, 1904.
Inspector Cross in November, 1904.
Captain Stephenson in March, 1904.
Sergeant Shiels in August, 1904.

The charge in each case was of a serious nature, namely, the failure to suppress disorderly houses. In the case of *People ex rel. Cross* v. *Greene*[1] the court summed up by saying that proof of neglect was not such as would warrant a jury in finding Inspector Cross guilty and they ordered his reinstatement!

Court review thus has established the principle, not that officers of the New York police department should be above suspicion, but that they shall be retained on the force until they become convicted criminals; and that they cannot be separated from the force except by substantially the same proof that would be required to convict them of a crime.

It is not my intention to indulge in a criticism of American criminal law. There is ample basis for the belief that it unduly favors the criminal as against society; but still there is some justification for such a condition when society is proposing to deprive the accused of his personal liberty and freedom. But there is no necessity of applying the rules of criminal law to the discipline of a great police department; and when so applied we have no right to feel shocked or surprised at the existence of a sullen insubordination on the part of the higher officers, nor of a false *esprit de corps* which holds it to be the honorable duty of one police officer to perjure himself for the benefit of a fellow officer. If we are to get rid of these evils in police administration, we must abolish court review.

ROBERT S. BINKERD.[2]

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[1] 98 App. Div., 620.

[2] Secretary of the New York City Club.

CON

Notwithstanding the fact that the New York assembly voted against the so-called Goethals police bills by an overwhelming majority, it does not follow that the plan of police control as proposed by Mayor Mitchel is essentially wrong or right. I think it will be conceded, the vote does show that legislators, usually responsive to the views of their constituents, believed the measures unpopular enough to warrant them casting their votes against the wishes of a city administration at the beginning of four years of power and patronage. So far as the popularity of the bills are concerned there has never been a doubt in my mind regarding the attitude of the people, and I do not believe any candidate for governor or for assembly next fall will care to stand upon a platform in which advocacy of the Goethals bills is a plank.

In the open campaign against the police bills, the writer has declared publicly that the measures were unnecessary and dangerous. As the fight progressed and I found myself opposing with the great power at my command a young and efficient mayor, to whose administration I had looked forward with hope, I frequently asked myself the questions I put to others when public matters are debated, namely: (1) are you qualified to discuss the subject? (2) will success benefit you financially?

I have found that in discussions of public affairs debaters have either given little study to the subject or they benefit materially by the success of the cause they preach. If a quarter of a century of experience with police affairs qualifies one to give an opinion on a police problem the writer owed it to the public and to the mayor to take a stand for or against the proposed legislation. So far as any benefits derived by the defeat of the bills there have been and can be none. On the contrary the success of the mayor's plans meant radical changes in the great force of 11,000 men, more dismissals, more appointments, more promotion examinations,—all that goes to advance the circulation of a newspaper read by them and to create a demand for books. Hence it was that, after having, at the mayor's invitation prior to election, discussed with him police affairs, and having received from him a satisfactory signed statement of his attitude toward the police, I was amazed to learn of his desire that the protection of the courts be taken from all policemen.

So successfully did the mayor make his appeal for power over the police that influential organizations like the city club, the merchants' association and the chamber of commerce, responded to the call and united in an effort to pass the bills. Opposition was expected from the "system," that bug-a-boo that may be applied to any body of men, whether lawyers, merchants or police, who find a necessity for organization in order that they shall accomplish by united action that which would be impossible to the individual.

But the real opposition to the police measures came from the public, from men who cast their ballots for Mr. Mitchel, from members of his own cabinet, from newspapers that were foremost in supporting his candidacy. Mr. Hearst was firmly convinced the mayor was wrong, and the bills vicious. He did not hesitate to say so and placed his great machinery of publicity at the command of the writer in order to stop the mayor in what Mr. Mitchel's close friends regarded as a suicidal policy. The *New York Times,* also a Mitchel supporter, opposed the bills as did *The Sun* and the *Brooklyn Standard Union.*

While the city club and the merchants' association were sending out appeals to organizations and influential citizens to rally to the support of the mayor, the tide of popular opinion was set against the measures. The people were opposed to such legislation and their handwriting was seen upon the legislative walls by representatives who seldom make errors in interpreting the popular will.

I have listened to every argument put forth by those who favored the bills. I heard the mayor at the city club and at the press club in both of which I have the honor of membership. I heard the mayor make his appeal to the joint legislative committee. Yet every argument made for the bills, when put to the test of my own knowledge and experience, made me more than ever convinced that to take away from policemen protection from unjust removal was far more perilous to the people than to the policemen, and altogether unnecessary as a means of enforcing discipline.

Let those who are inclined to favor the Goethals bills study the question carefully. The mayor has said that the bills, if enacted, would make the policemen "more responsive" to their commissioner, that the reinstatements by the courts had a demoralizing effect and that the fact that the policemen had tenure of office while the commissioner had none made the passing heads little respected by the men.

In the past twenty-five years the court of appeals has directed the reinstatement of only nine policemen. In one of these cases a new trial was ordered, and upon the re-trial the officer was again dismissed, which dismissal was finally sustained by the court.

According to the report made by the Curran aldermanic committee covering a period of fourteen years, 683 policemen appealed to the courts against dismissal. In all only forty-six were reinstated by the courts. This does not include at least 200 additional policemen who were dismissed and who did not seek reinstatement through the courts. So that of a total of nearly 900 dismissals forty-six or approximately five per cent, were restored by the courts.

Is it possible that the discipline of the police force has been, or can be, shattered because of the reinstatement of these forty-six men out of 900 in fourteen years?

The question of depriving members of the force of the right to present their grievances to the courts is not a new one. Such legislation has been repeatedly advocated, but the great danger of vesting such powers in the police commissioner and the consequent demoralization of the force was so obvious that the attempt was abandoned. Recently the Curran committee thoroughly investigated this subject and examined many witnesses. Finally it embodied the following recommendations in its report:

> The right to a court review is a protection to honest members of the force. Any policeman who fearlessly performs his duty necessarily makes enemies who are only too willing to injure him. If the commissioner were vested with arbitrary power of dismissal, injustice would more likely result then under the present system which requires sworn testimony in support of charges. The arguments usually advanced against the preservation of this substantial right have less force than when it is realized that reinstatements by the courts have been so few.

Very frequently charges preferred against members of the police force are *quasi*-criminal in their character and involve a crime. Would it not be a travesty upon justice to vest in the police commissioner the arbitrary power of dismissal upon such charges without the necessity of a trial and sworn testimony, and sentence the accused to the loss of a position from which he earned a living for himself and family, and send him forth into the world with the stigma of dismissal, which could not fail to interfere with his obtaining other responsible employment and earning a living for them without the right to test the justice of such dismissal in court?

The police bills provided that any policeman dismissed would be entitled to all the money he had paid into the pension fund plus interest upon the same. Thus under such a law in the period of fourteen years above stated about 854 dismissed men who lost all because of dismissal would have received substantial sums to offset their punishment while the forty-six innocent men who were dismissed by perhaps the whim of a temporary superior would have been examples of injustice sufficient to demoralize any body of men.

A policeman with twenty years' service to his credit has much more to lose by misconduct under the present law than he would under a Goethals act. To-day he would lose all, his contributions to the pension fund and the right to a pension as well as his position. Under the proposed legislation he would receive a substantial sum of money. The statistics show that ninety-five per cent of the men dismissed would be benefited financially by the change. This does not argue well from the viewpoint of the public treasury which would lose tens of thousands of dollars now held for pensions of those who perform duty faithfully over the required period of time.

But the real peril of the police bills lies in the great power they would place in the hands of one man to say what laws shall or shall not be enforced in a community of 5,000,000 people. Government is maintained only by a system of checks. Experience has taught us that whether it is the nation, state, city or a great corporation, to the extent that great power without checks is given, to that extent has there been danger of corruption or abuse of authority. The nation to-day is struggling to free itself from the domination of financial combinations that are legacies of days when there were no checks upon their work. The state of New York has been awakened to grafting among high officials and yet such misconduct has been the result of unchecked power. The metropolis has not forgotten the years that have gone by when its treasury was mulcted annually out of thousands of dollars because of the absence of a system of checks upon those in temporary power.

After the experience of the decades, why should any community give over its precious right of government by law into the hands of any man chosen by another after a successful political campaign? Why ask your newly appointed patrolmen to swear to enforce the laws, if obedience to a passing superior is more important to his own wellbeing?

How long will a police force be free from politics when the members of it know their tenure depends upon the discretion of a commissioner and his deputies, who, perhaps, owe their own appointments to the assistance they gave in a political contest that preceded their selection? Fortunate, indeed, is that commissioner who has not such despotic power over so many thousands of fellow citizens.

How frequently have we heard of the police problem in the solution of which so many have apparently failed? Is there a police problem? If so, what is it and how may it be solved? The police problem is the complex social and industrial conditions peculiar to all large American cities, but more intensely peculiar to the metropolis. It is the problem that caused Mr. Roosevelt to give up his police commissionership in disgust. In Mr. Roosevelt's days it was vice, gambling and excise just as it is to-day. I talked with him at the time on these topics. Two of his three colleagues, Commissioners Grant and Parker, opposed his methods of solving the problem and the board was deadlocked for weeks.

Other commissioners passed along, some favoring "liberal," others strict enforcement of the law. The police force followed. They "winked" at violations of law when they knew the head of the force didn't mean to have the spoken orders obeyed. The policemen have known when their commissioners really meant what they said and when they didn't. When one realizes the hypocrisy and corruption that permeated the police throne in the years gone by, it is a wonder that the force is as good as it is to-day.

Whenever an order has been given to the police, they have obeyed it literally. It is when the policeman interprets the law, himself, as he is frequently required to do, that he finds himself in trouble with clever lawyers ready to entrap him. Only once has the real head of New York's police force (the mayor) ever instructed the police what to do and how to do it. The mayor was the late William J. Gaynor. The force found itself in the midst of public clamor that followed the Rosenthal murder. The police were in doubt as to their authority in enforcing the excise law in restaurants after one a. m. In previous administrations they had been left to shift for themselves. Mayor Gaynor issued his orders. There was no quibbling. He directed the police to "drive out" those who were found in restaurants where liquor was sold after one o'clock. The police obeyed. They had received an interpretation of the law and orders, too, from a man who had been a justice of the appellate division of the supreme court. But on the third night the district attorney stepped in and ordered the arrest of the inspector and a dozen policemen who had carried out the orders of the mayor. Such was the spectacle presented on the very first occasion when a mayor told the police what to do and how to do it.

The police are not told what to do and how to do it because their highest superiors do not wish to take that responsibility upon themselves. Mayor Gaynor did it once, but never repeated the proceeding. The police do the best they can under the most difficult circumstances. The law which they have sworn to enforce may read to them as plainly as A, B, C, but they soon learn that even the A, B, C, is interpreted a dozen ways by as many magistrates, that ordinances to be enforced must have the approval of the particular magistrate then sitting in the district where the arrest is made.

Comparatively few people understand the difficulties that beset the policeman in his everyday work. He is, indeed, a magistrate on his post, but his usefulness would be ended quickly if he attempted to enforce the hundreds of laws that are upon the statute books. He learns by experience that the concrete will of the people, as expressed by orders, newspaper clamor, or specific complaints, is to be recognized.

The policeman is well posted on the law. He requires only to know what is wanted of him. He is as good as the community he serves. He never hesitates to sacrifice life in performance of duty. He is tempted more than his fellow citizen. Over him are placed officials that are creatures of political favoritism. He stands in the center of a great mixture of people, thousands of whom are held in check by his presence. He has sworn to enforce the law. He obeys the last order first. His work is obnoxious and at best unpopular.

This is the man—the policeman—who to-day is protected by the law he has sworn to enforce. Do American citizens wish to jeopardize their own rights by giving into any official's hands the despotic power of dismissal over any one or all of the police army of New York City?

Joseph J. O'Reilly [3]

MINNESOTA HOME RULE AND WISCONSIN REGULATION

THE FINDINGS OF THE MINNESOTA HOME RULE LEAGUE ON STATE REGULATION OF PUBLIC UTILITIES IN WISCONSIN

THE Minnesota home rule league, an organization whose purpose is "to promote the principle of home rule in the control and regulation of public utilities in Minnesota," has recently issued a pamphlet in which it "draws the following indictment against the Wisconsin system of state regulation of public utilities as administered by the railroad commission:

1. The commission has not given relief to the public in the way of lower rates and better service in any such measure as has been secured by the municipalities of Minnesota under home rule, and in notable cases in other states not under state regulation.
2. It has shown a strong leaning towards the interest of the utilities as against public interest, as revealed in its findings of high rates for service, more than reasonable profits and excessive valuations. Originally created as an agency for the protection of the public from the exploitation of utility companies, it has become rather an agency for the protection of the companies and the means of increasing the value of their investments.
3. It has moved with exasperating slowness in rate and service cases involving great public concern, with the companies profiting enormously in the interim by its inaction.
4. It has put a big financial burden upon the state at large for the alleged benefit of the cities.
5. It has been an obstacle in the way of the cities securing for themselves relief from oppressive conditions of rates and service through municipal ownership, by inviting competition, or by other methods.
6. It has compelled the cities in many cases to go to large expense to defend their interests, both before the commission and the courts, when the theory of the law is that the commission is created to do exact justice towards all parties concerned.

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[3] Mr. O'Reilly is the founder and editor of *The Chief*, a weekly publication devoted to the interests of the police and fire departments. He is a member of the New York City Club and of the New York Press Club.

7. It has used the indeterminate permit to protect inefficient private electric utilities in their local monopoly, in continuing poor service and excessive charges and in avoiding their legal contract obligations with municipalities.

8. It has busied itself with inconsequential details which common sense alone would leave to the discretion of local authorities and utility officials thus inconveniencing the public and delaying consideration of vitally important matters.

9. It has determined for municipalities matters of broad fundamental public policy, which by natural right belong to the municipalities to determine for themselves.

10. It has interfered unwarrantably with the operations of municipal plants.

11. It has discouraged the cause of conservation of natural resources advocated so strongly by other departments of the Wisconsin government.

12. It has failed signally to eliminate the public utilities from local politics. On the contrary, it has compelled them to be more active than ever.

13. It has worked to suppress community initiative and to retard the development of citizenship and growth of the citizens in capacity for self-government.

14. In rate-making for water and gas, both municipal and private plants, it has discriminated heavily against the general public and in favor of the privileged few.

15. It has shown a brutal disregard of local public sentiment in matters affecting vitally the political, social and material welfare of communities.

16. It has gained such influence over the legislative body of the state that, in effect, it writes its own legislation, with the result of dangerously enlarged powers in this department of government.

17. It has not facilitated the settlement of controversies between municipalities and public utility companies, but, rather, often operates to still further complicate the situation and delay the day of final adjustment.

Comparisons are made to show that Duluth and Minneapolis have secured better rates and lower service than have certain Wisconsin cities. Duluth, in push and business optimism, leads most American cities; residents of Duluth admit this. Minneapolis has succeeded as have but few cities in the United States in getting reasonable rates and fair standards of service for its citizens. An especially alert city club seems to be responsible for this. These facts indicate that Minnesota should follow the lead of California and grant to its cities the option of voting themselves under state regulation, and then out again if they wish. This would give an effective check to the state commission as the city's expenses would tend to be greater if it kept up its own regulative machinery. The league goes much further, however, than to demonstrate the advantages of home rule to certain Minnesota cities.

The Wisconsin commission and the principle of state regulation are "indicted" of ills that are in no sense attributable either to the commission or to the principle of state regulation. Thus the commission is condemned for standing staunchly by the "step-rate" system of charging for lighting service—that is, the fixing of the price for the several classes of consumers on the basis of exact cost of service—as being discriminatory against the small consumer. This whole question is one upon which judgment cannot be rendered with the degree of finality found in this report. If criticism is to be made of the plan, it must be lodged against the general practice of both private and municipal plants throughout all the United States. The Wisconsin commission is in no sense the author of the plan; the plan comes from the immemorial practice of private lighting concerns. That it is justified in fact seems amply proved in an article on electric lighting and power rates by Halford Erickson, in the current May issue of *The Annals of the American Academy of Political and Social Science.* Any criticism of the Wisconsin commission for adopting the step-rate system should at least be supported by evidence that some other plan is better. And no such evidence is given in this pamphlet.

Another way in which an attempt is made to attach blame upon the commission for which it is no way responsible is to place to the discredit of the commission the court delays that have occurred after the commission had handed down its decision. Thus the reduction of thirteen street railway tickets in Milwaukee to twelve tickets for fifty cents is still awaiting the decision of the courts. This, in no sense, of course, is an indictment against the commission. Again, state regulation seems to be held responsible for the fact that, after the commission had placed a value of $236,000 on the Manitowoc water plant, W. S. Maxcy demanded $11,500 additional, and the city decided to pay it rather than go to the courts. The same owner used the same methods to secure $4,000 from Antigo very recently. The same owner is now forcing Oshkosh to go to expense in the courts to justify the valuation placed by the commission.

Delays due to appeals by public utility companies from the commission's decision to the courts, if anything, prove only that the companies have not secured all they wanted from the commission. It is thus as much a recommendation for the action of the commission as a criticism of it. Indeed, the want of such appeals would show quite conclusively that the commission was giving to the utilities such valuations as they themselves fixed upon their own properties.

The commission's disregard for local public sentiment does not seem to be adequately supported by the facts stated by the league. The facts indicated, however, do point out one of the dangers of state regulation. A member of an eastern state public service commission recently stated to the writer that one great advantage of state regulation was that local prejudices could not force rates, services or extensions from utility companies regardless of whether or not they were warranted. Continuing he said, "To us the cities are 'merely spots on the map.'" But the facts cited by the league do not support the contention that the Wisconsin commission habitually disregards local sentiment that is well-founded and general throughout the community. Any decision of any commission, local or state, will meet with some adverse criticism.

The league quotes John W. Bennett, "a lawyer, newspaper man, publicist and trained investigator," as authority for the statement that out of the 134 cases [1] decided by the Wisconsin commission from 1907 to 1912, Wisconsin's public was successful to a substantial extent in but seven per cent of the cases brought by it for rate reduction and was given only the slightest relief in but twenty-nine per cent of the cases; while public service corporations were successful to some extent in more than ninety-six per cent of the cases they brought before the commission for rate increases, and fully or substantially successful in more than eighty-two per cent of their cases for rate increases. That is, during the term of five years when the trend of public service charges in other states have been "so strongly downward," the trend under the Wisconsin commission was "uniformly upward."

A survey of the decisions made by the Wisconsin commission shows that these statistics and percentages are not correct. But even if they were correct, they might be used as convincingly to prove that the public's requests for lower rates were either unfounded or poorly supported, and that the utility companies themselves never asked for an increase of rates unless the increase was clearly justified. The percentages, however, do point to the possibilities of favoritism by public service commissioners. The facts submitted with them, however, do not substantiate the conclusion that the Wisconsin commission has favored the corporations at the sacrifice of public interest. The time is at hand when adequately supported data on this subject should be collected. It is to be regretted that the league did not take more care to support this indictment accurately and in detail.

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[1] "Wisconsin cities and the public generally have asked the Wisconsin commission in charge of public utilities for reductions in thirty-nine cases. Substantial reductions have been granted by the commission in but three cases, and small or nominal reductions in eight additional cases.

"Public service corporations of Wisconsin have asked the commission for increase of rates in fifty-two cases. Substantial increases have been granted in forty-three cases, and small increases in seven additional cases. In other words, some increase has been granted in nearly every case where it has been asked. Some have been granted when not asked for.

"Cities or the public have asked for better service in thirty-two cases. Better service has been ordered in twenty cases. In some of these cases it was conditioned upon increased rates.

"Public service companies have asked for relief of various kinds in ten cases. It has been granted by the commission in nine cases.

"Citizens or cities have asked relief in ten cases. It has been granted in five cases."

One of the standard arguments for state regulation is that it will prevent the duplication of laboratory equipment and the use of experts. The Minnesota league has interpreted this to mean that cities would not have to pay for expert services when their cases are before the commission. Thus the pamphlet points out that Milwaukee spent $18,000 and Beloit $17,000, respectively, in carrying certain of their cases to the commission, and that Baraboo, Racine and Kenosha have also found it necessary to employ experts.

Even a casual reading of the decisions of the Wisconsin commission will show that large laboratory costs and costs for other expert service have been saved to Wisconsin municipalities. Indeed, it would appear that the commission's inspection service alone [2] must have saved the cities of the state heavy expenses for inspection service. The supposition that state regulation would do away with *all* expenses to cities for expert service is not well founded. It has always been expected that the cities would employ such experts as were needed in order to support adequately the cases they brought before the commission. The commission cannot be expected to be both judge and prosecuting attorney. But more to the point, the best means for judging the effectiveness of state regulation will be the publicity of the data collected and points made by individuals and by cities and by experts in the employ of either or both.

It is the attitude of public utility commissions toward valuation that will ultimately determine whether or not regulation will long stay the demand for public ownership and operation. In making its valuations, the Wisconsin commission has had, by all odds, as fair a record as any other of the state commissions to date. Indeed, the league's pamphlet states that the members of the Wisconsin commission "in character and sustained personnel stand out prominent above all other state commissions."

Yet the league charges the commission with granting "too liberal" overhead charges in valuation cases. The Wisconsin commission usually allows twelve per cent for these expenses; it has recently allowed fifteen per cent. Other commissions have allowed at least as much and often more. The California commission in one of its cases allowed fifteen per cent; the New York public service commission, 15.4 per cent; the Nebraska commission 17.2 per cent; the New Jersey commission in the Passaic gas case, 17.2 per cent. The Wisconsin commission, therefore, has not allowed as much for this item as have other commissions. The league submits no evidence to show wherein and why the Wisconsin allowance is unduly large.

Certainly these charges cannot be a uniform per cent to be applied in every case; for overhead charges will never total the same in the construction of any two utilities even under identical conditions and specifications. And since no uniform charge can be made, certainly unusual ability must be recognized if it has been used. But the league objects to an allowance for "unusual engineering foresight" in the valuation for rate-making purposes in the Milwaukee gas company case. This company put in a certain distributing system which it alleged had already saved $322,000 on capital investment and would ultimately save $1,449,000. The commission valued the plant at $10,700,000, of which $1,344,000 were allowed for going value, and for "economies resulting from unusual engineering foresight and other items." What the other items are, we do not know, and what part of this was allowed for unusual engineering foresight, the commission does not state.

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[2] See article by J. N. Cadby on "Regulating the Quality of Public Utility Service" in the *Annals of the American Academy of Political and Social Science*, May, 1914, p. 262.

The league also intimates in its pamphlet that the commission has allowed too much for going value. Under the Wisconsin rule, going value is the cost of establishing the business. It may be that it is a mistake to allow this cost to be considered as part of the capital cost; it may be that it should properly be a charge against earnings and be allowed for in the rate of return. But certainly these costs should be allowed for in either way. The league fails to show just wherein the Wisconsin commission is at fault in allowing for them.

Complaint is also entered because the commission allowed the items entering into the reproductive value of a company's plant, the land donated to it by the city, and service connections paid for by consumers. The commission justified this allowance for donated land and for service connections paid for by consumers, as follows:

> For purposes of proceedings like these herein, the utilities law does not inquire into the manner in which property of utility corporations devoted to the public use was originally obtained, whether by purchase, inheritance, gift or theft. The law simply compels the commission to value this property, and to consider this valuation in taking official action with respect to rates and service. It therefore follows that the value of the donated land must be included in the value of the property devoted to the public use.

It is further alleged that valuation has been "padded" by allowing for pavement laid over mains without expense to the company. This item in the Oshkosh water works case added $58,015 to the valuation, when the paving actually disturbed in the process of laying mains was but $1,229.

It must be remembered that the value for lands donated, connections paid for by consumers, paving over mains when paving was laid after the mains were put into the ground, etc., is added only when arriving at the *reproduction* value. But reproduction value is not the only means used for getting at the fair value for rate-making purposes. The Wisconsin practice, as the practice of other commissions, has been to use this as but one of the means for arriving at what a fair value is. If the test of reproduction cost is to be used at all, it is clear that the above items must be included. The Wisconsin practice is then to check up the total reproduction value with the actual cost of the plant, its present physical valuation, its cost new less depreciation, etc. Hence, it is evidently unfair to attack the items in reproduction costs as the only means used by the Wisconsin commission for arriving at fair valuations.

The pressure upon public utility commissions has been, and no doubt is, to recognize all the values that the utility companies themselves think they are entitled to. The point of view of the average owner of public utilities was well expressed by Mr. Mellen in his recent testimony before the Interstate commerce commission when he replied to the question "So you paid $19,000,000 or $20,000,000 for property worth about $8,000,000?" by saying "I do not accept your valuation of $8,000,000. The sum we paid was the value of the trolleys." "How do you estimate the value in a case like that?" "When I value a purchase, I consider its *prospective value;* what it will *ultimately* be worth." Now it is just this value that the public cannot be expected to pay rates on, and yet it is this value that public service commissions must allow if they are to satisfy wholly the owners of public utilities. Hence theories are advanced before public service commissioners which will justify whatever valuation the public utility companies themselves think their plants should have, including prospective as well as present value. Moreover, as a rule, the commissions get their facts and ideas from the companies themselves. Their tendency, therefore, is to favor the companies. Now regulation will be effective only if public service commissions arrive at valuations that are as fair to the public as they are to the companies. The public at large is in sore need of standards by which these valuations can be tested in this light. The league has failed to set these standards. Nor has it shown to the satisfaction of even the casual reader of their pamphlet that the Wisconsin commission has padded valuations.

The most telling argument used against the Wisconsin commission is its attitude toward competition. Under the Wisconsin law, as under the laws in Pennsylvania and other states, there can be no competition, in fields already occupied, either by municipalities or by private companies unless the commission first issues a certificate of convenience and necessity stating that the public needs justify such competition. To date the Wisconsin commission has never issued such a certificate. The league alleges that this has resulted in complacent inefficiency on the part of the utility thus given a monopoly. More specifically, it essays to show that this attitude has thwarted the development of the state's water power for electric lighting purposes. One can readily admit the league's statements that the Wisconsin water power is not being adequately utilized. But this fact alone does not clinch their arguments. For it does not necessarily follow that electricity can be generated more cheaply by water than by steam. Water plants require a larger capital than steam plants, roughly in a ratio of 3 to 2, and unless the load of the water plant is admirably distributed, the total cost of generating electricity is not less than in steam plants. The league submits no facts as to these relative cost factors in Wisconsin. Consumers can not be expected to pay higher rates for electricity generated by water merely that the "coal may be used for something else."

Duplication of plants and distribution systems will have to be paid for by the public in higher rates. Yet if competition is never allowed, it seems evident that slothful and inefficient management must inevitably result. Therefore the rule of the California commission will, in the long run, be much safer than the practice of the Wisconsin commission has been. In Wisconsin, the public utility company whose territory is threatened has been given ample time to repent and make the necessary readjustments. In effect this means that all that an offer of lower rates by another public utility company can mean is that the company against which competition is threatened will merely readjust its rates or service standards to meet the will of the commission. Utility companies, therefore, will have no tendency to compete with one another, either in efficiency or for territory. And no adequate data will be at the disposition of the average consumer by which he may know whether or not his rates are too high.

The adoption of the principle that utility companies shall have a monopoly in their respective territories is in effect to state that the managers of the utility companies are made agents of the state to secure the best possible rates and standards of service for their patrons. To couple this principle with the practice of never allowing competition is as absurd as to hold that employes under civil service should never be dismissed for any cause, however just. The Wisconsin commission, to be sure, has stated that territory *might* be taken by a more efficient company, but this it has never allowed in practice.

The California ruling is that, if one utility occupies a field and another utility seeks to enter, the first utility will be protected in its monopoly only in case its service had been as adequate and its rates as reasonable as the new utility could give. That is, the certificate of convenience and necessity would be issued on the basis of the rates and service in effect on *the date of the filing of the competing utility's offer;* and endless time for repentance is not granted. Each utility company, therefore, is expected to put itself in such a position that its patrons are at all times adequately served at reasonable rates.

"By announcing this principle," says the California commission, "we hope we shall hold out to the existing utilities an incentive which will induce them voluntarily, without burdening this commission, or other governmental authorities, to accord to the communities of this state those rates and that service to which they are in justice entitled, and to the new utilities we shall likewise hold out the incentive that on the discovery by them of territory which is not accorded reasonable service and just rates, they may have the privilege of entering therein if they are willing to accord fair treatment to such territory."

The public is in need of standards by which it may test whether its utility commissioners have a public point of view or are merely adjuncts to the very utility companies they are supposed to regulate. The Minnesota home rule league could have done much more than it has to set such standards and to point out the tests by which they may be measured. It has not adequately supported its indictments against state regulation in Wisconsin.

Clyde Lyndon King.

THE TWENTIETH CENTURY CLUB OF BOSTON

THIS club originated over twenty years ago in the minds of a little group of bright men. W. O. Partridge, the sculptor, is said to have suggested the idea to the late Charles H. Ames of D. C. Heath & Company, a man of public spirit and unusual thoughtfulness. These men and their friends thought that there was need of a more democratic kind of club than the prevailing conventional and rather expensive clubs of that time. Perhaps they did not altogether foresee the direction in which the new club would grow, but they all desired to get together, and they wanted the chance for a thoroughly frank and open discussion of every kind of subject that faces a civilized man.

The call for a first meeting began with the following sentence: "It is felt by many that a club in Boston, including men in the various fields of literature, and politics, and business, animated by a common progressive spirit and interested alike in the creation of a better society, would be a distinct addition to the intellectual and moral life of our city." This call was signed by Edward Everett Hale, J. Pickering Putnam, Edwin D. Mead, John Fiske, Charles H. Ames, Henry Stone, W. D. McCracken, William Olney Partridge, Davis R. Dewey, Robert A. Woods. Mr. Mead, who wrote the call, set forth the main object and motto of the club in the words "to promote a finer public spirit and a better social order." Mr. Mead proved at once the natural leader of such a club, and became its first president. Indeed, his large-mindedness, his hearty friendliness, the wide range of his social sympathies and his unselfish and indefatigable energy have been from the first a most important element in the success of the club, and in keeping it close to the line of its splendid motto.

The constitution, adopted in January, 1894, provided for the admission of women as well as men, and the first membership list included thirteen women with seventy-seven men. At present nearly two-fifths of the members are women. There is a tacit understanding that this proportion shall not be exceeded. There is also a kindly indulgence permitted to smokers at the regular luncheons, with the tradition that the first Saturday of each month shall be sacred from the use of tobacco. A commodious smoking room, however, where the men can withdraw by themselves is believed to save the smokers from undue suffering, and to give that utter freedom from social conventions which the masculine creature requires. After the usual luncheon period, that is, after three o'clock, much excellent talking generally goes on among the group in the smoking room upon the subjects of the day, with a chairman informally chosen for the occasion, and one or more of the speakers of the day, with great freedom of question and answer.

Almost from the beginning the most characteristic feature of the club has been the regular Saturday luncheon. The meal itself, simple but wholesome, is provided by the skill of an excellent and experienced woman at the cost of fifty cents a plate. The hall of the club house will seat almost two hundred persons, arranged at a number of small tables. With certain limitations prescribed by the house committee, members are free to bring each a guest to the luncheons. After the luncheon most of the tables are rapidly removed, allowing chairs to be placed for any who may choose to come for the speaking.

A committee of which the efficient and wide-awake secretary of the club, Edward H. Chandler, is always the most active working member, arranges the program of each meeting, with a pretty flexible allowance for freedom of changes or additions in the list of the speakers. Loyal members are always on the alert to suggest good subjects or to introduce eminent strangers. Every subject that touches human interest, or affects the welfare of mankind, is welcome, but the special effort is to hear from men and women who are expert in their chosen subject. Thus, travelers, scientists, investigators, social workers, editors, statesmen, and politicians, men of affairs, men "who have done things," make up the long list of the club speakers. Richard Bennett, Lady Gregory, J. W. Bengough, John J. Enneking, C. Howard Walker, Mary Antin, Richard Watson Gilder, W. E. B. DuBois, Hamilton W. Mabie, Alfred Noyes, Joseph Fels, Marcus M. Marks, President E. Benjamin Andrews, David Starr Jordan, Thomas Davidson, Samuel T. Dutton, Baron d'Estournelles de Constant, Count Apponyi, Senator Lafontaine, P. Ramanathan, Sixto Lopez, Baron Kaneko, William T. Stead, J. Keir Hardie, John T. Tobin, Bishop Brent, Speaker Champ Clark, John D. Long, Lyman Abbott, Washington Gladden, Rose Pastor Stokes, Hiram Brigham, are only a few from the roll of well-known, and often highly distinguished, men and women whom the club has welcomed.

The membership of the club contains a large proportion of busy people, who are in some way active in the service of the public, or closely identified with the numerous agencies for social betterment for which the city of Boston and the state of Massachusetts are conspicuous. It would be fair to say that no one is asked to join the club of whom the old Latin verse would not be true: "*humani nihil a me alienum puto.*" The speakers at the luncheons are not infrequently members of the club. It is a rare hour when some member is not ready to bring valuable contributions to the subject under discussion. Membership is drawn not only from what is called "Larger Boston," but non-resident members often appear from beyond the Boston region; these pay an annual fee of $6.25, half the fee for resident members. The present membership is 600, a number only limited by the accommodations of the club house. Over 1,300 men and women have been enrolled since the club was formed.

The club generally prefers, when two or perhaps three select speakers discuss a given subject, that they present its different sides or aspects in short talks of about twenty minutes each. It is remarkable how much a good speaker, who knows his subject, can say within this limit of time, if he is thus challenged to give what he thinks the heart of the problem. But no single theory of the conduct of the luncheon talks can be allowed to stand in the way of the freedom of the club to do its best with the time at its weekly disposal, say, an hour and a quarter altogether. Often some distinguished guest is introduced unexpectedly at the luncheon, who may bring the greetings of a distant nation, or some member, interested in a pressing matter of civic or legislative action, desires a few minutes to state the case to the meeting. It has seemed best on the whole, therefore, to be ready not only to carry out the printed program (issued by postal card fortnightly) but to entertain interesting surprises, the most delightful and useful meetings often being those, the character of which no one could have anticipated. Thus, on one occasion, Count Apponyi, the famous Hungarian statesman, found himself at the speaker's table with two Slovaks, whom some one had brought to the club, their minds full of resentment against the count's governmental policy towards their people. This was not a nice combination, but the three men, guiding themselves at once with courtesy in the habitually hospitable atmosphere of the club, were presently behaving like old friends, and were doubtless glad ever after to have met each other face to face.

Of course there is no color bar in the membership of the club, any more than in the choice of its guests and speakers. One of the most respected members is Miss Maria L. Baldwin, the colored principal of a great grammar school in Cambridge with white teachers under her direction. A guest from one of the slave-holding families of the old gulf states might meet at table the colored agent of a new industrial school that he had never heard of before. Both would be heard with friendly attention, and it would be presumed that the white man himself would be pleased on occasion not to mind the color or clothing, but to obey the great democratic and Christian law of treating every man according to his manhood.

The tradition of the club is that every speaker may say exactly what he thinks, and in his own language, but that he shall never speak in bitterness or ill temper. It is well recognized that whoever loses his temper invariably hurts his cause, and usually raises questions as to the accuracy of his statements.

Besides the Saturday luncheons, from the beginning of October to June, there are occasional receptions, sometimes evening lectures, perhaps with the coöperation of some other society. There are various committees, for example, on education, on art, with exhibitions of paintings from time to time, on the drama, on international relations. The latter seeks to promote good feeling among people of diverse nationalities and a better understanding about other countries. The club thus hears frequently from natives, as well as travelers and missionaries, from every part of the world.

The question is often asked, what does the club do? If one were to attempt to tell what the members are constantly doing, it would be a long and interesting story. But the club does not, in fact, try to do things as a club. For one reason, it proposes to hold in its membership men and women of the most diverse views on every subject of thought, Roman Catholics and free-thinkers, socialists and the most extreme individuals, strict party men and independents, people who believe in a navy and others who hold that the nation would be safer without battleships. The idea is to hold together on the fundamental human basis of mutual respect and freedom. It has been said that the club is a company of "cranks." If this is so, they all turn different ways, with an inevitable rubbing off of sharp edges and antagonisms. Evidently, however, it could never be fair to try to commit the membership to any single opinion or mode of action. It is enough to provide what has been called "a clearing house of ideas," a free platform, where all subjects may be heard in a kindly temper. This means the opportunity to make wholesome public opinion, under the stimulus of frank criticism. Reporters of the daily papers are always welcome, with the single proviso that they shall respect the speaker's wish who may ask to have an occasional paragraph regarded as private. The propagandist of an unpopular cause, the I. W. W., for example, may have a fair opportunity to make converts if he can, but, be he guest or member, he must be ready to meet a fire of interrogation marks. A member who needs help in bringing desired pressure upon the legislature, or congress, is welcome briefly to state his case and to ask for volunteers, but he may not attempt to pass resolutions which would involve the membership of the club, the majority of whom are never present at any one meeting. Indeed, it has been said that a vote could not be got through the club in approval of the ten commandments! And yet no group of people could be found with a closer sense of agreement touching all the highest standards of conduct, with more earnest idealism, or with a keener admiration for the great practical gifts of efficiency, straightforwardness and common sense.

In some respects the club has fulfilled to its members the place of an intellectual "church," not imposing any opinions, but seeking light, and uniting its members in a certain friendly attitude. It has often also been like a church, in the high reaches of faith in the possibilities of mankind and in the spiritual nature of the universe, to which its meetings have repeatedly risen. Many a member has reported that the attendance upon the meetings is a sort of "liberal education." Ministers have been better prepared for their Sunday work by touching elbows with men and women who brought to the club an active enthusiasm for humanity, or the story of some noble venture of helpfulness, like Doctor Grenfell's.

The club has not, however, been without its efforts in the direct service of the community. While it has never been willing to duplicate work already attempted by others, in a city full of all kinds of philanthropic societies, it has stood ready through appropriate committees to meet any real needs which might offer. For a number of years it provided an admirable series of educational lectures, specially for teachers. As soon as this temporary need was found to be met in other ways, the education committee dropped this work. A very useful committee also served in the investigation of tenement house conditions, till this work, having been opened to public interest, was taken over by the city. A committee on religious movements led the way, soon abundantly followed by other agencies, in a course of lectures intended to bring together thoughtful people of every name for the consideration of modern questions in religion. Any member of the club who may have upon his mind a matter of public betterment would be welcomed by the council, and given the opportunity, if it seemed best, of establishing a suitable committee to coöperate in his enterprise.

As the club grew it had occasion to change its quarters for more ample rooms, until in 1905 it established itself in its own house at No. 3 Joy street, near Beacon street and the State House. By the generous coöperation of one of its members, Joseph Lee, it maintains a library in the town room of the adjacent building, entered also through the doors of the club house. In both buildings are rooms occupied by social service societies. The place has, therefore, become in many forms a center of social activities.

The question naturally arises whether clubs of the same kind might not be useful in other cities. Worcester, Massachusetts, has one, meeting monthly, formed like the Boston club. Bangor, Maine, has also had one. Persons interested in any part of the country in this possibility would do well to write to the club house for information. Better yet, if they could come in person, they would be most welcome.

CHARLES F. DOLE.[1]

NOMINATIONS AND ELECTIONS

THE following resumé of state acts, on the subjects of nominations and elections in 1913, is based on an examination of the session laws of all the states except those of Florida[2] (which were not available at the time this summary was prepared). Only those laws which affected cities were considered. The legislatures of Alabama, Kentucky, Louisiana, Maryland, Mississippi, Vermont and Virginia were not in session in 1913. It will be noted that the developments are chiefly in the direction of extending the direct primary, especially the nonpartisan primary, the short ballot idea, the recall, and corrupt practices legislation. New schemes are registration by affidavit, voting by mail, the double election in the recall, and the provision for the participation of new parties in partisan primaries. Of great significance in municipal politics are the gains made during the year by the *equal suffrage* cause. Illinois (Laws 1913, p. 333) now permits women to vote for a number of statutory offices, including those of cities, and upon all questions submitted to voters on referendum in municipalities and elsewhere. North Dakota's act (Laws 1913, ch, 151, p. 200), admitting women to the electorate, is subject to a referendum in 1914. New York (Laws 1913, p. 2226) and South Dakota (Laws 1913, ch. 134, p. 175) propose constitutional amendments for equal suffrage. In the latter state, the amendment will be submitted at the next general election, *i.e.*, in 1914; while in New York the amendment must pass the legislature elected in 1914 and then be submitted to the voters.

Registration—A few minor changes may be noted in connection with pre-election registration of voters. Indiana (Laws 1913, ch. 185, pp. 528 ff.) provides for one annual registration day instead of three as heretofore, with the possibility of an extra session of the board of registry in September on petition of 300 voters in any county. Indiana also adopts *registration by affidavit* for voters who, on account of illness, etc., or unavoidable absence from the county, are unable to register in person on registration day. Oregon (Laws 1913, ch. 323, p. 627) has adopted a similar law, while Nevada (Laws 1913, ch. 284, p. 499) makes a slightly different provision for registration by mail. Colorado (Laws 1913, p. 262) amends its registration law by providing that persons who fail to vote shall (after due notice) have their name erased from the permanent register for the next election. A somewhat more liberal provision is that in Idaho (Laws 1913, ch. 106) where it is enacted that one registration may suffice for a voter in city elections provided he votes every year in the same city, ward or precinct.

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[1] Rev. Charles F. Dole was Mr. Mead's successor as president of the club. He has prepared this article for us at our request in view of the recent celebration of the twentieth anniversary of the founding of the club.—EDITOR.

[2] A new primary election law was passed in Florida, General Acts, 1913, p. 242, but it does not apply to municipal offices.

Nominations—Most new legislation, with respect to nominations, consists naturally of changes in primary laws. Missouri (Laws 1913, pp. 335 ff.) adopts nomination by *direct primary* for all officers of cities of over 40,000 (except boards of education and boards of freeholders for framing charters). The Missouri plan is the "closed" primary. Any municipality may adopt the new scheme of primaries adopted in South Dakota (Laws 1913, ch. 197, p. 243). It contains no new features. Montana (Laws 1913, p. 570) enacted by referendum an "open" primary for all cities of 2,000 and over which are subject to general laws; it is to be inferred from this clause that commission-governed cities are excluded from the operation of the act. A decidedly reactionary primary law passed the Georgia legislature (Laws 1913, pp. 1141, ff.) for adoption on referendum by the city of Savannah. It provides for the participation in the primaries of "all political parties which have a state or national organization." Voters in the primaries are qualified electors in the city who further qualify under the rules of their respective parties, which rules are determined in each party by the executive committee thereof. This act precludes primaries by city parties, and nominations of independent candidates must be by petition bearing the names of one third the registered voters for that election. According to present advices, Savannah did not adopt this scheme. Michigan (Laws 1913, p. 201) provides for the participation of *new parties* in city primaries, a petition of 100 qualified voters of the city being necessary to establish the right to a position on the primary ballot. California (Laws 1913, ch. 690, p. 1379) enacts a similar law, three per cent of the total vote cast at the last election being required to petition, while Wisconsin (Laws 1913, ch. 680, p. 956) requires one sixth. New Hampshire (Laws 1913, ch. 192, p. 752) also makes provision for new parties in the primaries. California and Nevada (Laws 1913, ch. 284, p. 517) still adhere to the "closed" primary even to the extent of requiring a declaration of party affiliation at the time of registration by the voter as a prerequisite to participation in the primary. Nevada furnishes no opportunity for writing in names on the primary ballot, and if only one candidate appears for any office in any party's primary, he is certified as the nominee and his name is not printed on the primary ballot. *Non-partisan primaries* grow in popular favor. In the following states it is adopted in connection with the commission form of government; Missouri (Laws 1913, pp.420 ff.) for cities of the second class of from 30,000 to 75,000 population, to be submitted to such cities on referendum; Tennessee (Laws 1913, special session, ch. 49, p. 576) adopts it for all commission-governed cities; Texas (Laws 1913, ch. 21, p. 36) authorizes it for cities of less than 5,000, and Iowa for all cities of over 2,000; Pennsylvania (Laws 1813, ch. 367, p. 568), by a mandatory law, adopts it for all cities of the third class under 10,000 and authorizes it for others over 10,000; Georgia (Laws 1913, pp. 698 and 987) adopts it in commission charters submitted to the cities of Columbus and Marietta; and West Virginia (Laws 1913, ch. 74, pp. 285 ff.) in the act submitting a commission to Wheeling. Missouri (Laws 1913, p. 339), in the law referred to above, adopts *rotation of names* on primary ballots in cities of over 40,000. Ohio (Laws 1913, p. 769) does likewise for non-partisan primaries and elections in all schemes of city government under general laws. North Dakota, by repeal (Laws 1913, ch. 222, pp. 360 ff.) abandons for all primaries the scheme of *preferential* or *second choice voting* enacted in 1911. Under a new Ohio statute (Laws 1913, p. 844) *nomination by petition* may be used in cities of less than 2,000, each petition to contain the names of twenty-five qualified electors.

Elections—The *short ballot* principle is gaining ground, usually in connection with the establishment of the commission form of government. The following changes in this direction are, however, with respect to the term of elective office: The West Virginia act (Laws 1913, ch. 74, p. 288) for Wheeling makes the term of office for commissioners four years. Tennessee (Laws 1913, special session, ch. 49, p. 576) makes the term four years for commissioners in all commission-governed cities. In various Georgia charter laws (Laws 1913, pp. 499, 507, 698, 987) the terms are for three or four years. In New Mexico (Laws 1913, ch. 72, p. 90) the term of city officers under general laws is changed from one to two years. On the other hand Wyoming (Laws 1913, ch. 113, p. 143) reduces the length of service of officials under the commission form from four years to two. Iowa (Laws 1913, ch. 54, p. 46) removes city solicitor from the list of elective officers in cities of 2,000 to 15,000. North Dakota (Laws 1913, ch. 73, p. 88) provides for *non-partisan* city elections by enacting that there be no party designations on the ballots. The candidates may state in twenty words any "principle or principles of local administrative policy or policies he stands for." Nominations under this scheme are by petition only. Massachusetts (Laws 1913, ch. 608, pp. 527), in a special law submitted to the voters of Holyoke, provides for non-partisan elections, nomination by petition. Under this act it is unlawful for the party committees to endorse or favor or oppose the candidacy of any nominee for city office. Ohio (Laws 1913, p. 769) in proposing three plans for city government, from which any city may make its choice (provided it prefers not to draft its own charter), provides for non-partisan primaries and elections in each scheme.

Changes in *ballot* laws are noted as follows: The use of the *party emblem* is abolished in Idaho (Laws 1913, ch. 100, p. 416). In an act adopted by referendum Colorado provides that in all elections "no emblem, device or political party organization designation shall be used on the official ballot at any election, by which a voter may vote for more than one candidate by placing a single cross-mark on the ballot or by writing therein any political party or organization name, or other name or political designation." But the name of his party may be printed after the name of each candidate. Delaware (Laws 1913, title 4, ch. 65, pp. 152 ff.) continues party emblems. That state adopts voting by putting ballots in envelopes (the New Jersey plan); ballots may be procured and marked before going to the polls, the safeguards against fraudulent practices being in connection with the care of the envelopes. These provisions apply in city elections only in the case of Wilmington. Wisconsin (Laws 1913, ch. 629, p. 794) strengthens its "coupon" ballot law which provides for envelope voting and does away with marking of ballots. A new California act (Laws 1913, ch. 690, p. 1379) requires that sample primary ballots be sent to the voters registered in the various parties, and (Laws ch. 638, p. 1180) that all voters shall receive by mail samples of the final election ballots. South Dakota (Laws 1813, ch. 200, p. 199) provides for *voting by mail* by those who are necessarily absent from the polls on election day. As a check against fraudulent ballots, Nevada (Laws 1913, ch. 237, p. 362) requires ballots to be printed on paper watermarked with a special design, so arranged as to be visible when the ballot is properly folded, the design to be changed from year to year.

Recall—In states adopting the commission form, the recall is invariably a feature of the plan. New Jersey (Laws 1913, ch. 22, p. 844) strengthens the recall for commission-governed cities by reducing the number of signatures required on recall petitions from twenty-five per cent to fifteen per cent. An important development in the machinery of the recall is noted in Michigan (Laws 1913, p. 608), Washington (Laws 1913, ch. 146), and Missouri (Laws 1913, p. 452), where the recall election, if successful, creates a vacancy which is filled by a special election held later. This is felt to be more just to the officer against whom recall proceedings are instituted, in that he is not obliged to present his claims against another candidate in addition to defending the charges against himself.

Corrupt Practices—More or less complete corrupt practices acts were adopted in Arkansas (Laws 1913, p. 1253 ff.), Michigan (Laws 1913, ch. 109, pp. 189 ff.), Montana (by initiative and referendum Laws, 1913 pp. 593 ff.), Nevada (Laws 1913, ch. 282, p. 476), and South Dakota (Laws 1913, ch. 203, pp. 277 ff.). Montana's provision for publicity pamphlets is applicable to cities of more than 10,000 in primary elections. The Nevada limit of the fine which may be imposed on a corporation violating the law is $100,000. Missouri (Laws 1913, p. 464) enacted a corrupt practices act in connection with the changes in its commission-government law. Indiana (Laws 1913, ch. 180, pp. 489 ff.) strengthens its whole law in this respect and, in addition, prohibits any person from "falsely" writing or publishing anything which "exposes" or "would expose" any person to "hatred, contempt, ridicule, or obloquy or which causes or tends to cause any person to be shunned or avoided or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing or procuring any person to vote or refrain from voting for or against any person . . . measure or proposition at any election, primary election, or political convention, or session of the general assembly . . . or either house." This prohibition extends to the publication of pictures and cartoons. This sweeping provision, if constitutional and enforceable, would have the effect of eliminating "mud-slinging" in political campaigns, perhaps indeed of revolutionizing campaign methods entirely.

VICTOR J. WEST.

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PREFERENTIAL VOTING AND THE RULE OF THE MAJORITY[1]

ASIDE from the few who desire proportional representation, all good citizens want candidates selected for municipal offices by a majority of the voters and regret the frequent election by minority or mere ordinary plurality.

Selection by the voters involves the following four essentials, classified under two heads:

(1) VOTERS' FREEDOM OF CHOICE OF CANDIDATES, secured through,

(a) *The candidate's ease of getting on the final election ballot, independent of boss or party.* That this nomination by a small petition does not result in a multiplicity of candidates after the novelty has worn off, is proved by long experience in England and Canada and is borne out in Spokane. But if you fear the voter cannot discriminate between the many candidates that may temporarily occur, require each candidate to make a cash deposit to be refunded only if he secures a considerable vote.

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[1] The progress of the Bucklin system to date (June 1, 1914) can be seen from the following list of preferential voting cities on page 582.

(b) *The candidate's freedom from large election expense and from abuse by rival candidates and their friends.* The candidate's election expense should strictly be limited by law and he should be furnished an inexpensive means of publicity like the Oregon pamphlet which offers each candidate space at small cost and is mailed to all voters.

Unless both these requirements are met, many of the best men will not submit their names to the voters for choice.

(2) ELECTION OF THE CANDIDATE ACTUALLY SUPPORTED BY THE LARGEST NUMBER OF VOTERS, secured through,

PREFERENTIAL VOTING ADOPTED—PRIMARIES SUPPLANTED

Date	*Cities*	*Population in 1910*
1909	Grand Junction, Col.	7,754 *
1910	Spokane, Wash.	104,402 *
1911	Pueblo, Col.	44,395 * †
1912	New Iberia, La.	7,499 * †
1913	Duluth, Minn.	78,466 *
1913	Denver, Col.	213,381 *
1913	Colorado Springs, Col.	29,078 *
1913	Portland, Ore.	207,214 * †
1913	Nashua, N. H.	26,005
1913	Cleveland, Ohio	560,663 ‡
1913	La Grande, Ore.	4,843 † ‖
1913	Fort Collins, Col.	8,210 †
1914	Vineland, N. J.	5,282 *
1914	Ridgewood, N. J.	5,416 *
1914	Nutley, N. J.	6,009 *
1914	Hawthorne, N. J.	3,400 *
1914	Bordentown, N. J.	4,250 *
1914	Millville, N. J.	12,541 *
1914	Long Branch, N. J.	13,298 *
1914	Orange, N. J.	29,630 *
1914	Atlantic City, N. J.	46,150 *
1914	Passaic, N. J.	54,773 *
1914	Trenton, N. J.	96,815 *
1914	Jersey City, N. J.	267,779 *
		1,837,253

PREFERENTIAL VOTING ADOPTED AS ADJUNCT TO PRIMARY

1913	Houston, Texas	78,800
	Total Population	1,916,053

* Commission form charter. Regarding the New Jersey cities, see note next page.

† Restriction to one vote in the third column for each office to be filled. The provisions in this respect of La Grande and Fort Collins are not quite clear.

‡ Twenty-five hundred signatures required for nomination of mayoralty candidates.

‖ Commission city manager plan.

(c) *The voter's second and other choices where no candidate secures a majority of first choices.* Frequently no candidate receives a majority of first choice votes and the man elected by a plurality is often unsatisfactory to a majority of the voters, whose first choice votes were divided among two or more candidates, but who would unite on one man if allowed other choices.

(d) *The voter's ease of choice due to a single election.* The double election system found in direct primary states ordinarily means the selection or nomination by a minority of a partisan minority, by a mere plurality of the perhaps twenty-five per cent of the voters who attend the primaries. In the southern states where one party is so strong that the primary election is ordinarily decisive, participation in the final election is small. Instead of berating the average voter for not attending two elections we should abolish the needless primary election.

Let us measure by the above four tests the three common systems of election, the convention, the direct primary, and preferential voting by expressing second and other choices as well as first.

I. **The convention system** fails utterly on all but (d) and even there does not usually permit real choosing, but merely easy ratification of the least objectionable of candidates selected by party bosses.

II. **The best direct primary or double election system** fails on (b) and (d) and is defective on the other two essentials. It is defective on (a) in that the voter's choice at the final election is limited to two candidates, both of whom are often named by minorities and are unsatisfactory to the majority. It is defective on (c) because it permits only a partial second choice and no other choices, which are often required to unite the majority on one candidate.

In 1914 Bangor, Maine (population 24,803), adopted by popular vote a commission charter providing preferential voting (with elimination of primaries and election to specific office), which is now awaiting ratification by the legislature before taking effect. Preferential voting is seriously being urged by responsible bodies in Detroit, Buffalo and numerous other cities..

A demand for the introduction of the preferential ballot into the direct primaries of New Jersey was embodied in the platform of each of the Republican, Progressive and Democratic parties in the 1913 campaign. This resulted in the substitution of the preferential ballot for the primary and second election system in the commission governed cities of New Jersey present and future.

This New Jersey law introduces one new column headed "Third Choice" making four columns for crosses headed "First Choice," "Second Choice," "Third Choice," and "Other Choices," respectively.

In 1911, a commission form charter for Cambridge, Massachusetts, including the Bucklin system, abolishing primaries, passed a Republican legislature, was signed by a Democratic governor, and failed of adoption by the people at that early date, when an almost unheard of novelty, by only 788 votes in a total of over 11,300 votes cast on it.

L. J. Johnson.

III. Preferential voting meets all these four essentials and is as far superior to the best direct primary plan as that is to the discredited convention system. It gives the voters the widest choice of candidates through its ease and independence of nomination by a small petition and its freedom from party obligations and from the large expense of two elections. Candidates are not subjected to vituperation by rival candidates or their friends, lest possible second and other choice votes be alienated by abuse of the first choice candidate of these voters.

By this simple means of expressing first, second and other choices, the voters easily and cheaply at a single election always give the office to the candidate satisfactory to the largest number of voters. This was illustrated in the first election in Grand Junction, Colorado, where a bad machine candidate led as first choice for mayor with 603 votes and would have been elected under the old system, though he was unsatisfactory to 1,155 voters who were divided among four good candidates. But as 603 votes were less than a majority of the 1,799 votes cast, the second choice votes were added in, which though it frequently gives some candidate a majority, did not in this case. Therefore the other choices were added, which united 1,051 of the above 1,155 voters on one good man and elected him.

By filing a small petition the candidate's name is placed alphabetically on the ballot without party designation. From the names so nominated the voter marks in column (1) his first choice, in column (2) his second choice and in column (3) his other choices, where he may vote for every candidate whom he wishes to support. This enables any voter to place every other candidate on the list one vote ahead of the one or more candidates he particularly opposes. Frequently the voter cares more to prevent the election of a certain bad man than to choose among several opponents, any one of whom would be satisfactory. This system permits voting for all desirable candidates and against all undesirable. It records the voter's will on all candidates and is the only system that does not compel him to vote against all candidates but one.

Preferential voting is so simple that no voter need have any difficulty in its use, even with our present long ballot. The fact that it takes a little longer for the tellers to count the votes is of no importance. Besides voting machines could readily be adapted to its use.

Preferential voting tried out in several western states and cities with a population aggregating many millions, is gaining ground even faster than the commission charter movement. It has recently been adopted by Cleveland, Denver, Portland, Oregon, Duluth and Jersey City.

If a double election is considered necessary for state and national offices in order to give more importance to national parties, the preferential plan should be used to select each party's candidate at the primaries. It ought not to be long before it will be generally recognized that preferential voting in a single election permits sufficient weight to be given to parties even in filling state and national offices.[2]

MELVIN P. PORTER.[3]

BALTIMORE'S ANTI-NOISE CRUSADE

IN OCTOBER, 1912, the Baltimore City Medical Society began a war upon unnecessary noise by the appointment of an anti-noise committee, which, through the press, solicited complaints from the public, and, by special cards, from the patients in the hospitals. It soon had a complete inventory of all the noises made in Baltimore. Through the courtesy of Dr. Horace E. Flack, head of the department of legislative reference, it was put in possession of the anti-noise laws of our own and all the other large cities of the United States and Europe.

It then drew up some ordinances based upon Baltimore's needs. One of these, an anti-steam whistle ordinance, is now in the committee on health of the city council and was given a hearing on May 18. A feature of the hearing was the appearance of several factory owners, who are willing to stop their steam whistles, but want the rule made general. No whistle-blower has yet objected to the ordinance and a number have already abandoned their whistles. It will doubtless soon become a law, and then other measures will be introduced.

While progress along the line of new legislation has dragged, yet along another line the committee has met with wonderful success; *i. e.*, *in the enforcement of existing laws against noise.*

Baltimore has few laws that may be invoked against noise, but, thanks to the coöperation of our police commissioners, they are being enforced up to their limit and the anti-noise movement has been put upon a permanent working basis where every day some specific noise is abated and many potential noises averted.

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[2] In the January issue of the NATIONAL MUNICIPAL REVIEW[4] Professor Lewis J. Johnson enumerates the following cities as now using preferential voting: Grand Junction, Colorado; Spokane, Washington; Pueblo, Colorado; New Iberia, Louisiana; Duluth, Minnesota; Denver, Colorado; Colorado Springs, Colorado; Portland, Oregon; Nashua, New Hampshire; Cleveland, Ohio; Fort Collins, Colorado; La Grande, Oregon. The following cities are to be added to the list: Cadillac, Michigan; St. Petersburg, Florida; Lethbridge, Alberta. By virtue of the act of assembly passed by the New Jersey legislature on April 7, all commission-governed cities in New Jersey that have already adopted that form and that may adopt that form in the future will come under the preferential system. Therefore the following named New Jersey cities are to be added to the list: Atlantic City, Beverly, Bordentown, Deal Beach, Haddonfield, Hawthorne, Jersey City, Long Branch, Longport, Margate City, Millville, Nutley, Ocean City, Orange, Passaic, Phillipsburg, Ridgewood, Ridgefield Park, Sea Isle City, Trenton, Union, Vineland, Wallington, Wildwood.

[3] Secretary-treasurer Buffalo Municipal League.

[4] Vol. III, page 87.

Our hospital zone law is a most excellent one, but was giving only a fraction of the relief anticipated because our hospitals are numerous and widely scattered and the various policemen covering the zones on their beats were indifferently posted in the provisions of the law and even the hospital superintendents did not know their rights under it.

The committee asked the police commissioners to appoint a special policeman to put the hospital zone law into full operation. This was granted and the next day Maurice E. Pease was appointed as the first anti-noise officer in Baltimore, and, so far as can be learned, the first in the world or in the history of the world. The selection was most fortunate for Officer Pease has gone about this pioneer work with zeal and intelligence and has often sacrificed his own sleep in order to catch early and late offenders against the sleep and rest of others. He has put new life into the hospital zone law, and has found its provisions more comprehensive than even its authors had conceived. He, at first, spent a week or two about each hospital, eradicating the more or less permanent noises and is now constantly in touch with them and promptly stops all new noises.

His first two weeks were devoted to the Union Protestant Infirmary, one of our largest hospitals. Here are the conditions which prevailed: The superintendent wrote:

> Hucksters worry us by their cries during the day and frequently late at night—on Saturday as late as 11 P. M. Roosters and hens, dogs and cats, make life miserable and cause wakeful nights for the patients. Boys on the school steps across the street must frequently be asked to be quiet. Children from a nearby colored school are noisy as they pass. Only a few nights ago a mechanical piano played loudly until 11.30 o'clock. This is indeed a noisy neighborhood.

Cards were distributed to the patients in this hospital, upon which to register their complaints against noise. Here is a list of complaints in the order of their frequency:

Crowing roosters and cackling hens.
Cats and dogs.
Hucksters.
Noisy school children, black and white.
Negroes quarreling in the alley.
Noisy play of negro children.
Negroes singing until after midnight.
Milk and baker wagons in the early morning.
Street pianos.
Playing on tuneless pianos.
Screechy graphophones.
Roller skating.

Car bells.
Car wheels screeching on curves.
Reckless driving of wagons.
Noise at mail boxes.
Newsboys.

This list was given to Officer Pease who dealt with it so systematically and thoroughly that in two weeks' time the superintendent had not a complaint to make. He had temporarily, at least, "cleaned up" a hospital zone and without making a single arrest.

Here is an abstract of his first seven days' work:

September 27, 1913. At 5.50 A. M. a water sprinkler of the United railways rang its bell in the hospital zone. The superintendent of the McMechen street line promised that it would not occur again.

The screeching of car wheels on curves reported to the same superintendent, who ordered the curves greased four times instead of twice daily.

A baker warned that unnecessary noise was made in the early morning in loading his bread wagon. He promised to prevent it in the future.

Father McKenna, of the School of the Immaculate Conception, promised to warn his pupils not to shout in the hospital zone.

A fish huckster, found calling his wares at 9.15 P. M. Was warned that he was violating the law, promised thereafter to respect the zone and to tell other hucksters about it.

September 28, 1913. At 5 A. M. three roosters were located and their owners promised to get rid of them. At 5.30 A. M. a cat fight was in progress on the hospital fence. The cats belonged to Florence Gassaway, colored, who was the owner of six. She donated five to Officer Pease.

September 29, 1913. At 4.15 A. M. the driver of a baker wagon slammed the lid of a bread box at a grocery store and then drove noisily past the hospital. He promised not to do any more slamming and to drive more carefully.

October 1, 1913. Arranged with the owners of twenty-four cats to keep them in their homes and deliver them to the Society for the Prevention of Cruelty to Animals at nine o'clock the next day.

October 2, 1913. Several newsboys warned. The agent for whom the boys were working promised to put up a sign in his store warning them to respect the hospital zone.

The principal of the colored school near the hospital promised to visit every classroom and tell the children to make no noise while passing the hospital.

October 2, 1913. A scissors grinder warned.

October 3, 1913. The superintendent of the McMechen street car line promised to punish some employees for unnecessary ringing of car bells.

The superintendent of the Pennsylvania avenue line did the same.

A "rags-bones" man warned.

October 4, 1913. A fish huckster and a "rags-bones" man warned.

His task at Mercy hospital, which is in the heart of the business section, seemed almost hopeless, but his success was so notable that the superintendent, Sister Carmelita, has expressed her gratitude by inviting him, if he is ever sick, to occupy their best room free of charge.

One day a police captain went to Mercy as a patient. As so often happens, he became supersensitive to sound and the car noises drove him nearly frantic. Officer Pease was sent for and after taking in the situation hied himself to the telephone and invited the superintendents of two of the car lines to come to the hospital on urgent business. They spent a few minutes in the captain's room and then made for the street—one going north to Pleasant street, and the other south to Lexington where they stopped every car going in either direction and warned the motorman never again to ring a bell in the hospital zone and never to pass the hospital at greater than half speed. This regulation was later promulgated by the United railways for every hospital zone in the city, and is being rigidly enforced.

The railway curves at Pleasant and Calvert streets were ordered greased more frequently and this order has also been extended to all curves in hospital zones.

The whole attitude of the United railways toward securing quiet for the sick in hospitals deserves the highest commendation.

The owners of ten heavy wagons, which are used to haul scenery from the theatres to Calvert station in the early morning, cheerfully consented to use a parallel street away from the hospital; and other heavy traffic has been similarly diverted.

City Engineer McCay promised to stop all noises in a city garage nearby and not to allow steam rollers to pass through this or any hospital zone in early morning hours.

Fire Chief Emerich promised that fire gongs would not be sounded in this or other hospital zones.

Postmaster Swann promised to give his personal attention to any complaint of noisy driving or calling by mail wagon drivers.

The owners of *every* auto truck in the city were visited and all willingly ordered their chauffeurs never to go through a hospital zone if any other way were feasible.

Horses wearing bells were not allowed to pass through the zones and this has led to a very general discarding of bells on harness.

Baltimore has no specific law regulating the keeping of fowls. At the suggestion of the anti-noise committee, the police board took the attitude that the rooster in the built-up portions of the city is a nuisance under the common law. Since then every rooster complaint received by the police department has been followed by the death or banishment of the bird. Probably 1,000 roosters have already gone. Officer Pease not only cites the law but tells the owner that upon scientific and economic grounds it is wise to part with the rooster as the hens lay as many eggs without the male, and they keep longer.

On four occasions he has addressed all the classes in large public schools located near hospitals, on the propriety of observing silence when passing our hospitals.

Here is an incident which illustrates the hearty way in which the noise makers have coöperated with our anti-noise officer when the nature of their offences was shown them: Mr. Max Carton, headworker of the Jewish Educational Alliance, acted as spokesman for a number of foreign families whose sleep was disturbed by machinery in a factory. The general manager of the factory, L. H. Windholz, at once telegraphed for $200 worth of noiseless raw hide gears to replace the metal ones and thanked Officer Pease for calling his attention to the matter.

Every few days some incident connected with the anti-noise officer's work appears in our papers and serves to keep anti-noise sentiment constantly awake.

William T. Watson, M.D.[1]

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[1] Chairman of the Anti-Noise Committee of the City Medical Society.

NOTES AND EVENTS

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I. GOVERNMENT AND ADMINISTRATION

CHARTER REVISIONS

Commission Government.—*New Jersey.*[1] At this year's session of the New Jersey legislature, two important amendments to the commission government law were passed; one of them making preferential voting compulsory in all cities operating under its provisions and the other putting these cities in a separate classification. The latter was intended to give the cities a rather larger measure of self-government than they enjoy at present, but in accomplishing this end it took them out from under the control of such laws as were applicable to cities of a special class and provided a general municipal law applicable to all cities to which these laws applied. This law was declared unconstitutional on May 22, by the Supreme Court, on the ground that it was special legislation.

Commission government advocates in Newark secured the necessary 9,000 signatures to have a vote on the adoption of the commission government law. A fairly close community interest has been created among the various local civic organizations throughout the city and a form of quiet propaganda has taken the place of the large public meetings and extensive newspaper campaigning which has characterized contests in most other places. The outcome, however, is very doubtful.

Within recent weeks the neighboring town of Kearney rejected the plan by a very large majority in spite of fairly close organization and active publicity. Orange, another suburb, adopted the plan by a comfortable majority and has elected its first commission under the provisions of the preferential voting plan.

New York has finally entered the ranks of the states which permit the cities to adopt the commission plan. At the last regular session of the legislature, three important measures, having this end in view, were passed. The one of most general interest was the so-called optional city government law. Under this statute, it is now possible for any city of the second or third classes to adopt one of six simplified forms of government by special or general election. The plans are as follows:

Plan "A" is the commission form. Plan "B" is entitled in the act "limited council with elective supervision." This differs from the commission plan in that the members of the elected board do not act as the heads of departments, but appoint the latter as a group. No provision, apparently, is made for a separate administrative head, unless one of the appointed officers should be designated to act in that capacity. Plan "C" is the city manager plan, and under it there will be five members of the council in third class, and seven members in second class cities, all of whom will be elected at large. Plan "D" is designated "separate executive and legislative departments" and may be termed, for short, the "federal" plan. The governing body consists of five members elected at large in cities of more than 25,000 inhabitants and of three in cities of less than that number. The mayor exercises the executive and administrative powers, including the power veto and the power to appoint all officers of the city. Plan "E" is the same as "D" except that the council consists of nine persons. Plan "F" is the same as plan "D" except that the council consists of as many members as there are wards of the city and one councilman would be elected from each ward. Plan "G" permits cities of the third class to adopt the existing second class cities law.

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[1] Prepared by H. S. Gilbertson, executive secretary, National Short Ballot Organization.

The Olean Charter. The same session passed the Olean charter, in many ways the most radical of any charter in any eastern state. This law provides for the city manager plan with the initiative, referendum and preferential voting. The recall was originally incorporated but was cut out at the demand of the Senate.

St. Louis. In the last issue of the NATIONAL MUNICIPAL REVIEW (page 375), an account was given of what would probably be the important features of the St. Louis charter. The completed document embodies practically all of the items mentioned. The governing body of the city is to be composed of twenty-eight members, one from each of the wards of the city, but elected by the voters of the city. As soon as the constitution can be altered, these members will be selected by the voters of the wards. In addition to the mayor and the members of the council, the president of the board of aldermen and the comptroller are to be elected. Under the referendum, ordinances may be submitted to the people on petition of seven per cent of the registered voters. Under the initiative, ordinances may be submitted at a regular election on petition of seven, or at a special election on petition of fifteen per cent of the voters. No ordinance adopted under the initiative may be amended or repealed by the board of aldermen, except by a vote of two-thirds of all its members, nor within one year of its adoption.

The board of estimate and apportionment, consisting of the mayor, comptroller and president of the board of aldermen, is to prepare and submit the budget to the board of aldermen, which body may reduce but may not increase any item.

An "efficiency board," composed of three members, is to be appointed by the mayor for overlapping terms of three years. The charter enumerates the classes of officers in the unclassified service, and provides that all unenumerated officers are to be included in the classified service, except that the board, by unanimous vote, may include positions requiring exceptional scientific, mechanical, professional, or educational qualifications in the unclassified service.

The franchise provisions seem to be progressive—at least in the respect that they permit the city at the end of ten years after the beginning of operation under the franchise, and at the end of every five year period, thereafter, to acquire the plant and the property under the terms specified in the franchise ordinance. The effectiveness of this provision of the charter naturally depends very largely upon the character of the board of aldermen. This body, however, is not given an absolutely free hand in all public service matters, inasmuch as it cannot act upon the granting of a franchise until a report upon the same is made by the board of public service. The board of aldermen is given power to regulate charges for service.

On the whole, the proposed charter seems to measure up in matters of form, to high standards of charter making. There is comparatively little of the unnecessary detail of administrative procedure which impairs the value of many such documents. At the same time the charter is very much more than a mere outline of the city government, for both the principal bureaus of the departments and their divisions are enumerated and their general duties defined.

Cincinnati. The charter commission finished its labors during April and set July 14 for the referendum on the acceptance of the charter. If its work is accepted, there will be a mayor elected for a term of four years who will appoint all the heads of departments except that of finance, who will be selected by the council. The latter body will be composed of fifteen members elected at large. The salaries of both the mayor and councilmen will be fixed by the council. The typical form of double non-partisan elections in use in most commission-governed cities will be employed under the new charter. Recall proceedings may be instituted by five voters, who will be required to sign and swear to specific written charges. Thereupon, the officer sought to be recalled will be given ten days in which to file a written answer. If he fails to do so, he will be subject to recall on petition of twenty-five per cent of the qualified electors voting at the last municipal election. This provision in the charter will be voted upon separately.

Under the initiative, proposed ordinances may be placed before the council by a petition signed by 2,500 voters. If not passed by the council, 7,500 voters may sign a renewal petition and have the ordinance submitted to the people at the next general election, or, if signed by 15,000, at a special election.

Under the referendum, ordinances may be submitted on petition of ten per cent of the voters. Specific provision is made for seven principal administrative departments and for the principal divisions under these. Besides these are enumerated the civil service commission, public utilities commission, the board of park commissioners, the board of health, the board of hospital commissioners, the university trustees, sinking fund trustees and the city planning commission. The appointments made by the mayor of the heads of each of these departments will be subject to the approval of the civil service commission. This body will be composed, as at present, of three members appointed by the mayor for terms of six years.

Toledo, according to the latest advices, is still struggling with some of the fundamentals of charter making. The charter commission even went so far at one stage of its deliberations as to vote, seven to six, in favor of having all the heads of departments elected by the people. At a subsequent meeting, this action was reversed by a vote of seven to three, but there is still much sentiment for electing as many officers as possible.

⁂

Growing Interest in City Manager Plan.—*Taylor* and *Denton, Texas*, have recently been added to those having the city manager plan. Both adopted the plan in April. In Lakeland, Florida, the city managership was created by ordinance this spring under the general power over administrative organization conferred upon that town by its charter. The charter of Sandusky, Ohio, which follows the city manager plan, will be voted upon on July 28.

The largest city which has thus far seriously considered this plan is Seattle, Washington. For some time a charter revision commission has been in session there and it has recently brought forth the fruits of its activity. Unfortunately, this body wandered somewhat afield from the typical form by making provision for a separately elected mayor. Upon this officer is conferred the responsibility for what in Seattle are called the humanitarian, cultural, and general welfare departments, such as libraries, parks and playgrounds, amusements, housing, unemployment, municipal farms, etc. The city manager is given control over public works, contracts, purchases and supplies, engineering, public utilities, streets and sewers—in short, all of the physical interests of the community. The letting of contracts and the paying of all bills, payrolls, and claims is placed in the hands of a board of awards and adjustments, consisting of the city manager, the city comptroller, and the corporation counsel. Provision is also made in the proposed charter for preferential voting, which is applied not only to the popular election of city officials, but to all elections and appointments by the city council. The friends of the new charter propose to save the city forty or fifty thousand dollars a year by this method by eliminating the double election scheme provided in the charter of 1909.

Charter Revision.—*Chicago Moves.*—Under authority of a resolution adopted April 17, in the Chicago council, a permanent charter committee of thirty, consisting of fifteen members of the city council and fifteen citizens, has been appointed by Mayor Harrison. The resolution recites as the reason for a new charter the facts that

> It is deemed imperative that Chicago's organic law should be so modified as to confer upon the residents of Chicago and its environs a greater degree of self government, including greater control of her public utilities, and a complete rehabilitation of her revenue laws.

Under the constitutional amendment of 1904, any charter proposed by this committee will have to be enacted as a special law by the legislature and subsequently ratified by the voters of Chicago.

Columbus, Ohio, on May 5, adopted a charter providing a modified federal type of government. The council will be composed of seven members elected at large. There will be elected a mayor, auditor and city attorney, for terms of four years. In the selection of these latter officers, a system of preferential voting will be applied, but the members of the council will be chosen by means of a non-partisan primary and a second election.

The salary of the mayor is to be $5,000, and that of the members of the council $1,000. There is to be a department of public welfare under the supervision of the director of public safety. Other more or less unique features of the charter are the provisions that all city advertising must be done in a weekly bulletin published by the city in which only official matter may be printed. Provision is also made for a public defender for persons charged with offenses in the municipal court. The charter contains provisions for the initiative, referendum and recall.

Considerable opposition to the charter developed among the Socialists, who believed that under the constitution of Ohio, which permits cities to own and operate public utilities, Columbus would ultimately take over these institutions and that the employees would thereupon come under civil service regulations and hence be prohibited from making contributions to the party treasury.

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Boston Charter Attacked Again.—The Boston charter has been having a fight for its life. For several years Senator Martin Lomasney, who resides in the eighth ward, has been making an effort to restore the ward system and the large council in use before 1909, but hitherto without success. At this year's session of the legislature, Mr. Lomasney introduced the bill wiping out the council of nine elected at large and substituting a board of seventeen elected by districts. This was reported out of committee in the senate, but was defeated by vote of the presiding officer on April 30. A few days later, Mr. Lomasney secured a reconsideration of the bill and with the aid of senators from Taunton, Marlboro and Quincy, was able to get it passed. On June 8, Governor Walsh signed the bill, on the ground that the people of Boston should be given an opportunity to decide between the existing and proposed forms of goverment and that such an opportunity was afforded in the referendum clause of the measure.

The bill has been bitterly fought by the Charter association, and according to the Boston *Transcript,* by practically every civic and business association of the city, including the chamber of commerce, the real estate exchange and the finance commission.

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Virginia Optional Cities' Law.—By an act approved March 13, the cities of Virginia are placed in a very similar position in reference to simplified government, as those of New York state. This makes it possible for any city of less than 100,000 inhabitants (thus excluding the city of Richmond), or any town, to adopt one of three plans which are as simple as the constitution of Virginia will permit. The first plan is known as the general councilmanic plan. The second is a "modified" commission plan which, after all, is not so very much modified, and the third, the city manager plan of the usual type. Considerable latitude is permitted under each of these systems in the method of selecting council. One difficulty under this act, which may prove serious, is the requirement that the petition for its adoption shall be signed by twenty-five per cent of the number of persons *qualified to vote* at the last regular election for municipal officers. If the friends of more than one plan are active at the same time, it would seem likely that confusion and competition might very easily defeat all efforts at reform.

⁂

Progress of Municipal Home Rule in Ohio.—Since the municipal home rule amendment went into effect on January 1, 1913, twenty-five cities of the state have had under consideration the proposal to frame charters for their own government. In eight of these cities, namely Amherst, Gallipolis, Ironton, Jackson, Mansfield, Marietta, Norwood, and Washington C. H., the voters rejected the proposal to elect a commission of fifteen to frame new charters. In six,—Akron, Canton, Elyria, Lorain, Salem and Youngstown, charter commissions were elected, but the charters which they framed were subsequently rejected by the people. In six others, Cleveland, Columbus, Dayton, Lakewood, Middletown and Springfield, charters have been adopted. In four others, Cincinnati, Sandusky, Ashtabula and Toledo, charter commissioners are engaged in framing, or have completed drafts of, new charters, which will be submitted to the voters for adoption or rejection.

The Cleveland charter, which was adopted on July 1, 1913, is modelled after the federal plan of government, with a council of twenty-six members elected from wards, and an elective mayor who is given complete control of the administrative functions of the city as exercised through six principal departments. The short ballot, non-partisan elections, preferential system of voting, and the merit system in appointments to offices are included.

The Lakewood charter, which was adopted on July 22, 1913, provides for a council of six members, elected at large, with full legislative powers; and an elective mayor who is vested with practically full administrative authority. The Lakewood charter copies many of the Cleveland provisions, and includes the short ballot, the merit system and non-partisan elections. This charter is neither the federal plan nor the city manager plan, but a combination of the two.

The Dayton charter, adopted on August 12, 1913, is distinctly a city manager type of charter. It provides for a commission of five citizens elected at large for terms of four years, and clothes the commission with the power to appoint a city manager upon whom is placed all administrative responsibility. The non-partisan election features are included.

The Springfield charter, which was adopted on August 26, 1913, is also a city manager charter. The city commission consists of five members elected at large, who hold office for a term of four years. The two members elected at the first election by the lowest vote hold office for the two years only. The commission appoints a city manager, who is the administrative head of the government. He has the power to appoint and remove all heads of departments and all subordinate officers and employees in conformity with the civil service provisions of the charter. Middletown is the only city in Ohio which has so far adopted the commission form of government.

Columbus, the state capital, is the last city to adopt its own charter. On May 5, by a comparatively small majority, she adopted a charter providing for a council of seven members elected at large, half of whom are elected every two years, and a mayor who is elected for a term of four years. The charter provides for the non-partisan short ballot, preferential system of voting for the election of the three administrative officers—mayor, auditor and city attorney. The preferential system is not applied to the election of members of the council.

The Cincinnati charter commission has fixed July 14 as the day for the election on the question of the adoption of its proposed charter, which provides for a council of fifteen, elected at large, for a term of four years, half of whom are elected every two years. The mayor is elected for a term of four years.

All of these charters provide for the nonpartisan short ballot, the initiative and referendum, and the merit system in appointments. In the cities of Ohio where charters have been submitted for adoption or rejection, three of them provided for the commission form of government, four for the city manager type, two for the distinctly federal form of government, and two for a combination of the federal and city manager forms.

No city in the state has thus far taken advantage of the optional forms of city government passed by the legislature and subject to adoption by any city by a majority vote of the people. The optional charters bill was framed by the Ohio municipal league, but was so radically altered in certain features, in the legislature, that no city has yet considered it advisable to follow this easy course of securing a charter. The league, at its last annual meeting, appointed a committee to revise the optional charters bill so that it would be in a more satisfactory form for adoption, especially by the smaller cities of the state.

The fear that existed in the minds of many that cities would run wild in exercising these powers of local self-government has not been well founded, for out of the twenty-five cities which have undertaken to frame their own charters, only six have thus far succeeded. What will be the result in the other four cities which now have on the charters under way is yet to be seen. It is clear from the experience from these cities that a much greater interest has been aroused in municipal affairs.

Public opinion has been developed, and the campaign in each of these cities, whether successful or unsuccessful, has resulted in the development of a more active public sentiment in favor of local self government. Municipal home rule in Ohio has come to stay.[1]

* * *

Texas Home Rule. — The so-called home rule amendment passed by the Texas legislature was approved by the Governor April 7, 1913, and became effective ninety days after the adjournment (April 1, 1913) of the Legislature. The act authorized cities having more than five thousand inhabitants, by a majority vote of the qualified electors of said cities, to adopt and amend their charters, at an election held for that purpose, subject to such limitations as were prescribed by the legislature.

There soon arose a question as to the constitutionality of the amendment. A special election (the election on the prohibition amendment, July 22, 1911) had intervened between the adoption of the joint resolution in question and the general election November 5, 1912, at which special election the amendment was not submitted, but the necessary publication thereof was made in all respects as required by the constitution, before the day of the general election. The amendment was then voted upon by the qualified electors, and was adopted by a majority, which result was ascertained from returns regularly made to the secretary of state.

It was claimed by some that because the special election (on the prohibition amendment) intervened, the submission of the amendment in question at the general election in November was unlawful. The attorney-general held that the amendment was duly and legally submitted to the electors, in compliance with the directions of the legislature, and that it was legally adopted and is a part of the constitution of the state.

He cited the following cases in support of his position: *Truehart* vs. *Addicks*, 2 Texas, 217; *Murray* vs. *The State*, 3 S. W., 105; Cooley's Constitutional Limitations, 7th Ed., 113; Words and Phrases, Vol. 3, pp. 2078–2079.[2]

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[1] Prepared by Mayo Fesler, secretary of the Civic league of Cleveland.

[2] Prepared by R. M. Jameson, University of Texas.

II. FUNCTIONS.

Municipal Utilities: — *New England* trolley freight service began in 1901, when the Rhode Island company tried the experiment with a few converted horse cars. Trolley freight is now a feature on from 800 to 1,000 miles of track in Massachusetts and Rhode Island. The Bay Street Railway operates in five cities and nineteen towns in Massachusetts, and four cities and towns in Rhode Island—a total of twenty-eight; while the stations and villages served by this road and its connections number 191, of which 116 are in Massachusetts, seventy-one in Rhode Island, and four in Connecticut. Of these, seventy-three are given both freight and express service, and 118 express service only. The service provided by this railway consists of three classes:—(A) freight service, merely for the transportation of goods from one terminal or station to another, (B) the express service, which adds collection at one end and distribution at the other, and (under class B) either collection or distribution but not both. The road now has twenty 20-ton cars in operation. The freight rates are not greatly different from the corresponding railroads though service is quicker and more frequent. The express rate of fifteen cents as a minimum and sixty cents per 100 pounds for seventy miles from Boston to Newport is cheaper than the rate of express companies. An indication of the probable future of trolley freight service can be gleaned from the fact that the Bay street railway's revenue from this service, which was $123,600 in 1912, rose to $195,400 in 1913, an increase of fifty per cent.

Chicago's share from the street railway companies, under the franchise provision which gives the city fifty-five per cent of the net earnings, for the fiscal year ending January 31, 1914, was $1,855,882, the largest ever shown. The city's share for the previous year was $1,413,404. The gross income was 8.8 per cent and the net income 31.3 per cent larger than the year previous.

Chicago Telephone Bureau. The Chicago telephone bureau seems to have justified its existence as an agency whereby not only complaints can be ferreted out, but also constructive steps taken toward a virile public service. The bureau, during the first five months of its existence, with a total expenditure, including salaries, of $8,000, has adjusted 300 complaints which were not satisfactorily settled by the telephone company. These complaints included listening, line monopoly, poor service, complaints as to charges, more especially charges for moving or reinstating telephones, bell out of order, buzzing noise in telephone, listing in the directory and inability to get a telephone installed. The bureau gave attention also to the "nickle-first" as compared with the "nickel-last" service, to the basis for the company's charges for moving telephones, and more particularly to the rules and regulations issued by the company as to commercial discounts to large users.

Tramway Development in the United Kingdom. The route length of tramways and light railways in the entire United Kingdom is now, according to the annual return of tramways and light railways for 1912–13, quoted in the British Government blue book, 2,662 miles as compared with 269 miles in 1878. Of this length, 1,818 miles of line arc owned by local public authorities, 1,617 are under public operation and only 201 miles are operated by private companies. The net receipts by public authorities on the traffic for the year 1912–13 amounted to $19,932,794. Of this amount, $2,649,702 was paid into the public treasuries for the relief of taxation, and $6,323,330 was applied toward the reduction of tramway debt. A deficiency was reported in the case of but four local authorities as compared with seven leasing companies. In twenty-five cases only was it necessary to seek aid from rates to meet some part of the charges for the year, such as interest and redemption of the tramway debt, and the total aid thus received in the twenty-five cases was but $316,264. This was on a business represented by the carrying of passengers equal to seventy-one times the estimated population of the entire United Kingdom.

British Gas Companies. In the last fiscal year, municipal gas works in Scotland made 83.8 per cent of the gas produced in Scotland, while in Ireland 51.4 per cent and in England 30.6 per cent of the gas was made in public owned and operated plants.

Municipal Water Works. Despite the fact that the water rates in *Kalamazoo, Michigan*, are among the lowest in the country, the plant shows an annual net profit to the taxpayers of nearly $20,000.

Mayor Hanna, of Des Moines, in a series of articles written for the *Des Moines Capital*, points to *Omaha* and *St. Paul* as illustrations of the success of municipal ownership of waterworks. On July first a year ago, *Omaha* took over the water works at a cost of $7,000,000. During the first year of operation, the water business paid all the expenses of operation, all the interest on the vast bond issue and still had left a surplus of nearly $270,000. And this surplus was created despite rate reductions in the first eighteen months of operation of twenty-five per cent, ten per cent and thirteen and one-third per cent. *St. Paul* has a municipally operated water plant, the approximate cost of which was $6,000,000. It has been in operation thirty-three years, in twenty-two of which reductions have been made in rates. This alone has amounted to a saving to consumers of $1,400,000. In *Des Moines*, the purchase of the water works by the municipality was voted on, on March 30, with the following results: Issuance of bonds 7,535 for; 4,993 against; affirmative vote needed 8,610; proposition lost by 1,105; proposition to purchase plant, 11,362 for; 9,286 against. It is believed by the advocates of municipal ownership that the purchase of the plant was defeated because of the confusing character of the ballot. This is indicated by the fact that the vote to purchase the plant was 11,363 while the total vote on the issuance of bonds was 7,535. In other words 3,828 people who voted to purchase the plant failed to complete their ballots and vote for the bond issue. It is possible that a special election may be called on the issue.[1]

English Tramways. The board of trade recently issued its annual return of tramways. Of the 286 undertakings, 171 belong to local authorities and 115 to companies or other parties. Four local authorities and seven companies showed an excess of working expenditure over gross receipts, in the returns from the tramways, and two trackless trolley systems showed a deficiency.

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Living Costs for Cities.—*Lower food prices for cities* through more scientific farming is the purpose of the free institute of agriculture, which has been in operation in New York City throughout twenty weeks of the current year. Through this institution—the result of coöperation between the national department of agriculture, Columbia University, and the New York state department of agriculture—those who wish to go into farming will go better prepared while many others will be deterred from going. It is also hoped that, through this extension of agricultural education, abandoned or unused farm lands near the city will receive safe development.

Farmers' Market in St. Louis. The farmers near St. Louis are determined to get into the city with their own conveniences and facilities for selling directly. They allege that to date they have been fought at every step, despite the fact that the statutes of Missouri command cities of more than 300,000 to maintain a market open to producers. Such a market, however, the farmers claim they have never been able to secure in St. Louis. One of them has said: "Trying to sell farm produce to the consumer in St. Louis is like going into a battle. The farmer has first a legal battle with the established authorities, the city ordinances. Then he has to fight the commission men and hucksters, backed by the commission men. . . . It is a literal fact that the markets of St. Louis have been closed against the farmers of St. Louis County."

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[1] Clyde Lyndon King of the University of Pennsylvania, and editor of the volume on *The Regulation and Control of the Municipal Utilities* in the *National Municipal League Series.*

The farmers have organized the St. Louis farm and market bureau. The bureau plans a market to be erected at a cost of $500,000. There will be 100 wagon stalls on the ground floor at $70 a year, 150 wagon stalls at $60 a year and 200 wagon stalls at $50 a year. Each stall will be rented by a St. Louis farmer. On the second floor of the market will be offices for food companies and an auditorium which may be used for meetings, agricultural lectures, etc. The bureau will also employ a farm adviser to aid the farmers in securing a better and larger yield of produce. It is expected that a saving of thirty per cent to the producer, and twenty-five per cent to the consumer will result from the establishment of the farmers' market.

Toledo Markets. In June, 1911, due to a movement on the part of the organized women, a municipal market costing $70,000 was opened on a site conveniently and quickly reached from all parts of the city by street cars. Stall rentals vary from $25 to $50 a year. Preference in stalls was given to farmers and truck gardeners, as the idea of the market was the elimination of the middleman. As a result of this market, produce commission merchants and retail dealers found their business seriously damaged, and resorted to many retaliatory measures which greatly hindered the usefulness of the new market. These actions on the part of commission merchants led the housewives, league to request the city to turn over to them a market which could be run under their direction. This request was granted, and as a result a market is in operation which is proving a great success. No charge is made for selling space in the market, and no one who does not actually raise produce is allowed to sell within the market. Price reductions have been effected, and the success of the market has prompted the league to plan for the erection of four new municipal market houses in different sections of the city.

Retail Merchants' Week in Philadelphia. The department of public works, Philadelphia, and the University of Pennsylvania have jointly carried on (May 18–25) a series of lectures before the various business and retail merchants' associations in Philadelphia. The leading lecturers were James W. Fiske, manager of the salesmanship division of the *Dry Goods Economist* and some time lecturer at the University of Minnesota, and Herbert W. Hess and Dr. E. M. Patterson, of the Wharton school of finance and commerce. The purpose of this series was to stimulate efficiency among the outlying merchants, particularly with a view to helping along the general tendency toward decentralization in city life. The week seems to have proved conclusively that much can be done to ameliorate suburban conditions and lower living costs through efficiency in the buying and selling methods of the local retail merchants.[1]

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Accounting Notes. *Pension Funds.* The failure of city and other government officials having financial responsibility to place the pension funds of their respective communities upon a proper basis is one of the most serious defects in the field of municipal accounting. The funds, which have been examined by the New York bureau of municipal research in several cities, may be likened to the proverbial house built on the sand. They will either fall—become bankrupt and cause much suffering to widows, orphans and other dependents, or a financial burden will be placed upon the head of Mr. Taxpayer the like of which he has never before experienced. Hard as the latter will be, it is the former which makes specially culpable the failure of officials in charge of such funds to install adequate accounting methods. The New York bureau of municipal research recently submitted to the aldermanic committee on police investigation in New York a report of an unusually thorough examination into the condition of the police pension funds of that city. This report will undoubtedly be reviewed later in these pages, but meantime it should serve as a red flag of warning to other cities throughout the country to take action without delay toward placing all of their pension funds on an actuarial basis and installing modern accounting methods therefor.

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[1] Prepared by Dr. Clyde Lyndon King of the University of Pennsylvania and Chairman of the National Municipal League committee on the relation of the city to the cost of living.

To Make Uniform Accounting Uniform. State Auditor Donahey of Ohio has recently addressed to Director Harris of the United States census bureau an appeal for the establishment by congress of a uniform system of accounting by all the states. He calls attention to the fact that, although a large number of states have established bureaus which require uniform accounting by certain classes of cities, there has developed a marked variation between the several state systems. Desirable as a national law might be in requiring the same system of municipal accounting throughout the country, one encounters immediately the very practical objection of its unconstitutionality. The census bureau and the National Municipal League have labored for twelve years to attain this end by the process of education and suggestion. In fact, the establishment of the state bureaus throughout the country is a direct result of the educational campaign and field work done by the census bureau. In view of the fact, therefore, that so much of real accomplishment has been attained by these methods, there is reason to hope that the ultimate goal may be reached by a continuation thereof without the aid of a national law.

The suggestion in Mr. Dehority's letter that the heads of all the state bureaus get together in conference is, to our mind, most timely. If such a conference will get down to "brass tacks" and cut out sightseeing, banquets, oratory, etc., much may be accomplished.

The letter to Director Harris also states "that the real test of efficiency lies in comparisons of experience between all governments of the same class rather than in comparisons of the experience of a single government for one year with that of other years." With this statement we are compelled to take issue. The fact has long been recognized that much of the organization, methods, procedures, etc., were wrong in all of our cities and that most of the costs for the several departments, functions and activities thereof were excessive. Although a large number of cities are gradually improving upon this condition, even yet they are a considerable distance removed from what might be called a standard. It, therefore, logically follows that any conclusions based upon comparisons of one city with another can have but a limited value—at least, unless there is a full understanding of the many local conditions in each case. We submit that the real test lies in comparing results obtained in any given city with the results which might and should be obtained in that particular city.[1]

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Public Health Notes.[2]—Many pages would be required to chronicle three months' happenings in the great field of public health. Instead, a few notes must suffice to give some idea of the trend of health events.

Home Rule and Health was the subject of a statement given out not long ago by Dr. E. F. McCampbell, secretary of the Ohio state board of health, Columbus. It was prompted by opposition in the Ohio legislature to a bill giving the board authority to remove an incompetent local health officer and by opposition to another bill providing for state supervision of tuberculosis hospitals. Dr. McCampbell said in part:

> Centralized control is needed in matters pertaining to the public health. Home rule would be dangerous. Disease does not respect political boundary lines. The

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[1] Prepared by Herbert R. Sands, C. P. A., New York Bureau of Municipal Research.

[2] Prepared by M. N. Baker, president Montclair board of health.

water supply of one town is frequently polluted by the carelessness of another town in permitting refuse and sewage to enter water courses. The occurrence of infectious diseases in municipalities is quite frequently due to the fact that they have been imported from the country districts or from other municipalities.

The administration of public health work should be kept distinctly out of politics and efficient and trained men should be in charge of the work. As a matter of fact, much more would be accomplished if the state would take the major portion of the authority away from the local communities and by so doing it would be possible to place an expert sanitarian in charge of each municipality or district.

The Work of the New Commissioner of Health of New York City, Dr. S. S. Goldwater, was highly praised by Mayor Mitchel in a statement which appeared in the daily press of New York on May 17. The statement was a commendatory analysis of Doctor Goldwater's report for the first three months of 1904. Among the things commended were the following: the inauguration of a plan for the systematic periodic physical examination of the employees of the health department, a plan which Mayor Mitchel says "the city might well adopt for the protection of the health of all its employees," and which Doctor Goldwater intends to advocate for adoption by large employers throughout the city; a model plan for the promotion of employees of the health department; a new plan for the control of whooping cough; a proposal for a bureau of public health education.

Coöperation with the Division of Health of the department of public welfare of Dayton, Ohio, is a feature of the work of the bureau of municipal research of that city, which recently published a vest-pocket folder for the division of health. The folder had the title, "Again—the July Hump," meaning the summer rise in infant mortality. A third of the folder is devoted to fly reduction, and only sixteen words to clean milk, while nothing whatever is said about some of the most important factors in saving the lives of babies. It may be, however, that there are good reasons for giving what seems to be disproportionate space to flies in this particular folder. That there is opportunity for well-directed health work in Dayton is indicated by the statement that "Dayton's death-rate has stood still for ten years" 14.8 per 1,000 population in both 1902 and 1912. The case is really worse than this, according to figures just published by the United States bureau of the census. These show an average death-rate of 15.1 for the five years 1901–05, and 16.0 for the year 1913, an increase of six per cent. Although bold statements of crude death-rates are likely to be misleading, there does seem to be good reason for the health division and the bureau of municipal research of Dayton to make a vigorous appeal to the public to aid in measures which will improve the public health and reduce the death-rate of that city.

Clean-up Weeks are reported from all over the country, including such different cities as New York, Trenton, Missouri, and Dallas, Texas. Such campaigns are good in many ways but it should be more generally understood that a large part of the energy and money spent in urging people to get together miscellaneous rubbish, and in hauling it away, has no direct effect upon the public health. Real health-protective work is an every-day-in-the-year campaign, and cannot be saved up for a balmy week in spring or early summer—like the annual sheep shearing and the traditional attendant annual hair cut of backwoods hilltop farmers.

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American Housing Notes. Eighteen laws and ordinances dealing with housing have been passed by American states and cities during the past year. *The Fourth National Housing Conference* is to be held in Minneapolis, October 21–24. During the year state housing conferences have been held in Indiana, Massachusetts, New Jersey and Pennsylvania. The number of *dark rooms* in Brooklyn, has been reduced from 192,573 in 1909 to 8,016 on March 1, 1914. The number of *windowless rooms* has been reduced from 58,554 in 1909 to 501 on April 1, 1914. In a housing exhibit at the Chicago City Club, a year or two ago, was a placard stating that in Chicago 47.10 per cent of the dwellings were one-family houses, 30.6 per cent were two-family houses 12.3 per cent were three-family houses and only 8.5 per cent contained four or more families. This statement is now supplemented by one from the health department to the effect that of 9,788 dwellings erected in Chicago during 1913, 77.43 per cent were designed to accommodate not more than two families and that 96.30 per cent were provided with bathtubs.

Through the exercise of its power of *excess condemnation*, Cleveland recently in acquiring a strip of land to connect two parks also secured some ninety-three acres of land on either side. This, it is now proposed, shall be utilized as the site for a municipal housing experiment. Twenty-one towns in Massachusetts have adopted the *state tenement house law* for towns. This law practically prohibits the erection of wooden three deckers and in that way encourages the erection of one- and two-family houses. The Toronto trades and labor council has petitioned the city government to seek authorization from the provincial legislature to undertake a municipal housing scheme.[1]

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European Housing Notes.—Several members of the American housing association are going to England this summer to study various phases of English housing work. They will spend a week with *an international party*, organized by the British garden cities and town planning association, visiting garden suburbs and villages, municipal housing developments, and private operations in and near London, Birmingham and Liverpool. At the annual meeting of the *Hampstead Tenants Limited*, it was reported that the demand for houses was even greater than last year and that there is a considerable waiting list of applicants for any house which may become vacant. The year's revenue from rents was £9,363, the profit, £1,955. After paying the five per cent dividend on share capital there was a balance of £683 of which £68 was appropriated for the education and social fund and one shilling on the pound was voted to tenant investors, the balance being carried forward. The reduction in the tax rates represented an annual saving to the tenants of $728.

In a memorandum recently issued by the local government board as a guide to local authorities in their supervision of *house building* schemes occurs this statement: "The type of dwelling which may perhaps be regarded as the most suitable in ordinary circumstances is the self-contained house (single family house). This type is generally more popular than the tenement dwelling contained in large blocks, and has advantages in respect of health and comfort which are not shared by the latter. Occasionally there may be a demand for accommodation of a limited character, *e. g.*, accommodation for newly married couples or for aged persons without a family, and in such cases it may be desirable to meet the demand by the provision of two-story houses consisting of two self-contained dwellings (two family houses); but, generally, it would seem desirable to avoid, where practicable, the erection of blocks of buildings containing a series of tenements." At the national housing conferences in America this policy has been consistently advocated.

Despite the tremendous efforts made in Great Britain, for a generation past, to improve housing conditions, it is claimed that the British Isles today contain *one of the worst housed populations* in the world, that of the old city of Dublin. Before the close of the great strike, which a few months ago attracted international notice, some one called attention to the dwellings in which the strikers lived. The local government board held a hearing at which the mayor testified that in Mountjoy Ward alone there are 2,600 families who have only one room each and 1,145 who have only two rooms, while but 535 have three rooms and 543 have four rooms. The worst conditions in Dublin, as in many American cities, are found in the old converted houses, one time dwellings of the wealthy, now warrens of the poor. These houses are rented a room to a family but no toilet conveniences or water supply are provided. To add to the degradation many of these one-room families take in lodgers to eke out their rent, which in many cases is divided amoung four landlords before the final division with an absentee who holds title to the soil but has had no part in building or in managing the estate.

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[1] See Article of John Ihlder, Vol. III, page 484.

The mayor, according to the *Municipal Journal* (London) claimed that if they had 10,000 cottages "it would enable them to take the owners of the worst tenements by the throat and squeeze them out of existence."

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Practical Tenement House Department Work.—The death-rate in New York City is now the lowest that it has ever been. Several causes have tended to bring about this desirable condition. Among these causes there can be no question that the careful and systematic attention now being given to sanitary conditions by the various city departments charged with the supervision of such conditions should occupy the most prominent place. In this connection the tenement house department has recently instituted a new procedure which is of interest. The department obtains from the board of health a record of all deaths and cases of contagious or infectious diseases occurring in tenement houses.

While it cannot be maintained that all forms of contagious diseases are directly chargeable to bad plumbing or to the sanitary conditions, and while it can rarely be proved that in any particular case the contagious or infectious disease arises from the condition of the house, it is a well known fact that there is a distinct relation between such conditions and contagious and infectious diseases in general.

The department, therefore, is giving special attention to houses in which it appears from the board of health records that there have been an unusual number of deaths or cases of contagious or infectious diseases.

Whenever the health records show that three or more deaths or cases of recorded diseases have occurred in a tenement house during the month, or that five or more such cases have occurred during the two previous months, a special inspection of the tenement house is ordered forthwith so as to ascertain whether there are any plumbing or sanitary defects existing at the premises. If any such defects are found, orders are immediately issued, together with a special communication to the owner calling his attention to the health record and to the defects.

In most instances the owners have shown a greater spirit of coöperation and compliance than had been expected by the department, and it is believed that this procedure will accomplish much in obtaining prompt compliance with the department's orders in such cases.[1]

Local Bodies and Housing in England. Since the passage of the act of 1909, loans to the amount of one and three quarter millions sterling have been authorized, provision thus being made for the erection of some 7,700 new houses by local bodies. Landlords have been notified to make houses suitable for habitation in more than 114,000 cases, and no less than 129,000 houses have been thus improved. The board has authorized forty-seven local authorities to prepare or adopt schemes, and fourteen local bodies have applied for the authority to prepare. Preliminary notices have been sent out by seventeen authorities, and the question is under consideration in 119 other cases.

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City Planning Notes.—*Chicago.* In the annual report of the Chicago plan commission (Charles H. Wacker, chairman) this significant phrase occurs: "If there are among our members any who feel downhearted or pessimistic because of reverses, your chairman would urge a moment of thoughtfulness. Chicago was not built in a fortnight. The ills of the city which the plan of Chicago is designed to cure are no mere blots upon its surface. They are organic troubles, deep-seated, and with their origin buried in their past. Their cure is not a matter of miracles, but of long, thoughtful, studious and scientific treatment. Our laws are in many respects inadequate to accomplish our purpose. Great cities cannot act in freedom while fettered by statutes enacted for the narrow control of villages."

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[1] John J. Murphy, Commissioner, Tenement House Department.

Boston has a city planning board, the members of which are Ralph Adams Cram, John J. Walsh, Emily Greene Balch, Henry Abrahams, and William C. Ewing. Its duty is to make careful studies of the resources, possibilities and needs of Boston, particularly with respect to conditions which may be injurious to the public health and to make plans for the development of the municipality, with special reference to the proper housing of its people. The secretary of the board is Miss Elizabeth M. Hurlihy.

Birmingham, Alabama. Warren H. Manning has been retained by the Birmingham City commission, of which George B. Ward is mayor, to prepare a city plan and generally to improve the physical appearance of the city. Mr. Manning was told on the occasion of his first visit to the city early in 1914 that Birmingham was a very new city and that the people had come there from all parts of the country because there was an opportunity to invest capital to advantage and to establish business enterprises, and that there was as yet no marked evidence of public spirit and little disposition for people to work together in groups or as a whole in the interests of the city. It was intimated from numerous sources that his plan to secure the interest of every man, woman and child in the improvement of the city and in the city plan, was wholly impracticable. Feeling that this was hardly a correct statement of the situation, Mr. Manning secured the coöperation of a number of leading citizens and through them of various organizations and of the newspapers, and then he proceeded to have organized a series of city beautiful clubs covering every section of the city. These various bodies and individuals are coöperating with the city commission and the result has been not only the organization of the city along definite lines of coöperation in a way that has never heretofore been effected, but also a marked and immediate improvement due to the utilization of the seeds and plants which are being furnished.

International Exchange of City Planners. In a recent issue, *The Survey* points out a very interesting feature of the city planning movement in the way of the exchange of leaders. America has recently entertained Dr. Werner Hegeman of Germany, Henry Vivian, M. P., and Ewart G. Culpin of England. Australia chose in an open competition Walter Burley Griffin of Chicago to plan its proposed capital of Camberra.[1] At the invitation of Lady Aberdeen, Dr. John Nolen, a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW was invited to participate in the replanning of Dublin and in the organization of a civic exhibition as a basis for a civic revival in Ireland. Thomas H. Mawson, a special lecturer in landscape design at the University of Liverpool, has been selected on the personal recommendation of the King and Queen of Greece to prepare plans for the extension and remodeling of Athens. Mr. Mawson spoke at the Richmond meeting of the National Municipal League in 1911, his address on "Civic Surveys" being published in the NATIONAL MUNICIPAL REVIEW.[2] Professor Patrick Geddes of Great Britain is shortly to make a town planning tour of India, in the words of *The Survey*, "as a disciple of the newest of civic movements to some of the most ancient cities of the world."

A Civic Exhibition in Ireland will be held in Dublin under the presidency of the Lord Lieutenant of Ireland and her excellency, the Countess of Aberdeen. In connection with this exhibition there will be a competition for a premium of five hundred pounds offered by Lord Aberdeen, for the best design of a plan for the improvement and extension of Dublin. The conditions of the competition have been set forth in an elaborate statement which can be had of the secretary, Eric Kaye-Parry, Esq. (Line Hall Buildings, Dublin.)

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. 1, page 718.

[2] See Volume I, page 195.

Canada. The first draft of a town planning act prepared by a committee on town planning and housing legislation appointed by the commission of conservation at Ottawa, Canada, in 1914, has been published. The committee consists of Col. Jeffrey H. Burland, Montreal; chairman, G. Frank Beer, Toronto; Noulan Cauchon, Ottawa; F. H. Gisborne, Ottawa; Dr. Charles A. Hodgetts, Ottawa; J. P. Hynes, Toronto; M. J. Patton, Toronto, secretary.

As now drafted, the bill provides for the preparing and carrying out of town planning projects by a local board in each city or town, subject to the approval of a central town planning board for the whole province. Projects will apply chiefly to land likely to be used for building purposes, but may, in certain circumstances, include land already built upon or land unsuitable for building. Provision is made for compensation of private owners if injuriously affected and for the local authority recovering half of the unearned increment if property values are increased. The Central Board may act on its own intiative if the local board fails to do its duty or if no local board exists.

Under such an act, the growth of every town will be regulated so that streets may be of adequate width and in accord with the general plan of the town; housing congestion will not be permitted; sufficient open spaces will be reserved for parks, squares, and other municipal purposes; and health, amenity and convenience will be given due consideration in all new building areas and, so far as possible, in old ones.

Building Districts and Restrictions. A commission on building districts and restrictions has been appointed by the New York board of estimate and apportionment to investigate the entire subject of the regulation of the height and location of buildings and to suggest to the board an appropriate method of districting the city for this purpose.

A British Town Planning Institute. Experts in town planning and civic design have recently formed a town planning institute. Municipal representatives, architects, and surveyors are included in the membership. The objects of the institute are "to advance the study of town planning and civic design, to promote the artistic and scientific development of towns and cities, and to secure the association of those engaged or interested in the practice of town planning." It recently held its inaugural dinner in London. Within the past four years, 200 local authorities have moved definitely in some way in the matter of town planning. Fifty of these authorities, with a population of over five million, not including London, have so far applied to the local government board for permission to prepare sixty-six schemes. Two of the schemes have been approved; three are before the board for final approval; and forty-seven have been authorized to be prepared. The rest of the 200 local authorities are in the preliminary stages of town planning. The president of the local government board expressed the belief, during the evening, that compulsory town planning, in view of the conditions at present, is neither practicable nor desirable, but that it would be wise for the board to improve and simplify the regulations.

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Municipal Reforms in Toronto, Canada.—In order to clear the way for annexation of suburban areas, the Toronto council has approved a new policy in regard to local improvement assessments. Under this policy (for which legislation will have to be secured next January), all local improvements are to be charged entirely to the properties benefited and not in part as at present (it works out about one-third) to the general ratepayers. With a view to closing out and consolidating all street railway franchises (four in number) the city is now negotiating for buying out the present companies (all controlled by Sir William MacKenzie). Bion J. Arnold and others have just been appointed to estimate the valuation. If the purchase is made the question will arise whether the system shall be operated by a commission or be leased to a private corporation operating under supervision of the public utilities commission.

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Brooklyn Improvement of Recreation Facilities.—Under the efficient leadership of the city's new park commissioner, Raymond V. Ingersoll, who is a member of the council of the National Muncipal League, Brooklyn's park and recreation facilities are being greatly extended. Not only is there taking place a reorganization of the recreation facilities for children and others, but the shore fronts at Canarsie, Dreamland, Dyker Beach and Shore road are being improved, and an adequate policy has been established for the preservation of trees which are said to be disappearing at the rate of fifteen hundred a year. At McCarren Park, in Greenpoint, hundreds of trees have been planted about open spaces devoid of shade. Eight or ten baseball diamonds have been laid out so that the boys of the eastern district need no longer travel across Brooklyn to the parade ground for a game. A children's farm in which there will be hundreds of lots is being prepared for cultivation of vegetables by school children who will be allowed to take home the product of their labors. The Brownsville taxpayers have taken up the condition attached to the Betsy Head bequest of $180,000 to equip a recreation ground and have allowed themselves to be taxed to acquire a proper piece of land. At Dreamland the débris is rapidly being cleared off at last and the sandy beach restored to the people. At Dyker Heights, 138 acres of marsh land are being drained for a park. In Prospect Park many new things have been done, including an enlargement of the menagerie and the erection of a lookout tower. Public officials of the city realize the need of the improvements and are extending the new commissioner every assistance possible. This is especially true of the civic organizations of the city.[1]

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Ohio Cities Attentive to Citizens' Complaints.—In Springfield and Dayton arrangements have been made for systematically hearing and handling all complaints concerning city services. In Springfield, City Manager Ashburner has set one hour a week in the evening, which has become popularly known as the "kicking hour," when he is ready to meet anybody who has a complaint or a suggestion to make. In Dayton, City Manager Waite has established a complaint clerk whose duty is to receive all complaints concerning all departments of city service and see that they are properly investigated. The aim of both plans is to know the extent and seriousness of complaints made by citizens and to prepare for ready reference data as to the frequency or numbers of complaints concerning specific parts of the city service.

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Municipal Pensions.—New Jersey has authorized employees of boards of health to form a corporation for pensioning employees after twenty-five years' service. (Chapter 215, 1913.)

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Pasadena's Refuse Incinerator.—The refuse incinerator of Pasadena is notable in being located amidst exclusive hotels and residential sections without being a nuisance to the neighborhood.

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[1] Prepared by Prof. Murray Gross.

III. POLITICS[1]

The New Orleans Election Snarl.—The New Orleans election of November, 1913, covered a budget of important constitutional amendments as well as a ticket of local and national officials. Shortly after the election, in which important constitutional amendments were defeated, there was a rumor of fraud in the count of votes. An investigation was begun and the findings were such as to justify the filing of informations against sixteen persons charging them with falsifying amendment returns and other frauds in connection with the election. When the offenders were arraigned, the counsel for the defendants set up that there was no law governing frauds in connection with a vote on constitutional amendments, and the supreme court of the state held that by some omission of the lawmakers it was not made a crime to falsify the count in a constitutional amendment election, and so dismissed the informations. District Attorney Luzenberg and Attorney-General Pleasant applied to the criminal court to have the board of election supervisors brought into court for the purpose of counting the ballots in the boxes in open court to see if other frauds had been committed, but judges of this court held that the court was without jurisdiction in the matter. The state then resorted to a mandamus to secure a count, and the supreme court decided the issue by ordering the boxes to be brought before the criminal court and the ballots counted. Then the clerk of the criminal court refused to do so on the ground that the law (Act 158 of 1898) provided that he should destroy the ballots in the boxes within six months after the election, or as soon thereafter as possible, and that the law provided a fine if he failed to do so, or permitted any one to see the ballots. This objection was carried to the supreme court, but was not sustained. As the case now stands the election officials are at last confronted, by a ballot count in open court.[2]

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Recent Political Events.—*Chicago.* At the municipal election on April 7, the total number of voters was 492, 290 made up of 328,443 men and 163,850 women. The vote by parties was: Democratic, 186,658; Republican, 157,425; Socialist, 39,999; Independent, 54,849; Progressive, 50,451; Prohibition, 2,911. Six Progressive and four Independent or non-partisan aldermen are likely to hold the balance of power in the city council, because of a factional fight among the Democrats. The complexion of the new council shows Democrats, 38; Republicans, 22; Progressives, 6, and Independents, 4. The complexion of the retiring body was Democrats, 44; Republicans, 21; Progressives, 3; Independents, 1.

According to the *Chicago Evening Post* Mayor Harrison's majority in the city council, which always rallied to the administration's standard, has dwindled to a minority. The majority members of the new council are Democrats, but the seats are divided between adherents of the Sullivan faction and the mayor's faction. An interesting, but as it proved an uneventful feature of the campaign was the attack by Mayor Harrison on the Municipal voters' league. He criticized their reports on aldermanic records as pharasitical, but judging by the results the people gave more credit to the league than they did to the mayor.

Milwaukee. The election of April 7 was the first under the new non-partisan law and according to local observers retired nearly all of the very objectionable aldermen who were running for re-election, and put better men in their places. Most of the useful ones were re-elected. The socialist aldermen at large, whose four years term had expired and who were originally elected by a minority of votes, were also retired. There was, however, sufficient independence shown to re-elect the socialist city attorney and one alderman at large, both of them because they were better than their adversaries. They were re-elected in part by non-socialist vote. The mayor, comptroller, and city treasurer, non-partisans, were re-elected. It was reported that the socialist ticket was defeated by 8,554 majority and that Seidel's vote was less by 9,617 than at the election of 1912. As a matter of fact the majority against Seidel two years ago was 12,977. The vote of the non-partisan anti-socialist ticket fell off 5,476, while the socialist percentage of the total increased from 41.5 to 43.5.

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[1] Except where otherwise indicated these notes were prepared by the Editor of the NATIONAL MUNICIPAL REVIEW.

[2] Prepared by Murray Gross

St. Paul. The first election under commission government had mixed results. The successful candidate for mayor, Winn Powers, was elected over Louis Nash by a decisive majority notwithstanding Powers's affiliations with the public service corporations and the old political organization. The new council is said to be a fairly representative one, but more acceptable to the public service interests, the breweries, and the big business interests of the city than to the general welfare interests, although not as a whole subservient to them. In other words to quote a local correspondent:

> The men elected are not aggressively opposed to a wide-open town, nor aggressively opposed to domination of the public service corporations in politics. The successful candidate for comptroller, W. C. Handy, is a first class man. He has already served one term in this office and has made an excellent record. In view of the importance of the office of the comptroller[1] there is prospect of very interesting developments, for under the St. Paul charter the comptroller wields a large veto influence upon the commission.
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> The new commissioners are S. A. Farnsworth, now city treasurer, a man of capacity and honesty; O. E. Keller, present assemblyman; Anthony Yoerg, described as being honest, friendly to the machine, but not easily controlled; M. N. Goss; Henry McColl; J. J. O'Leary, the present commissioner of public works, and said to be the strongest man in the new council.
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> The chief fight was centered upon W. C. Handy for comptroller and Louis Nash for mayor, and two councilmanic candidates, Hunt and Bennett. Handy had some support from old politicians since it was his third campaign. Nash is strong in politics, and had political support, but the fight upon him was so relentless that he could not withstand it. By a trick played upon Hunt, of trying to count him out in the primaries, he got pretty wide popular support, but not enough to offset the machine campaign against him.
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> Bennett, who had been instrumental in drawing the charter and having it adopted, had the fight of all the interests centered against him. He was without organized support and was badly beaten. He was known as an uncompromising fighter for clean government with much broader technical knowledge than any other candidate. At the same time his administrative experience was very limited, so that his value as a public officer was problematical.

Des Moines. Mayor Hanna was re-elected for his third successive term as mayor of the city, thereby breaking the two term precedent. Councilman Myerly was re-elected. Of the new men Mr. Mitchell was supported by the Business men's league and J. M. Leonard, a former street car conductor, by organized labor. The fifth member of the commission, Frederick German, an expert accountant, served as city treasurer under the administration of John MacVicar. The Business men's league participating in the campaign was a genuine organization and not a name used as a mask by the disorderly element as is often the case in the central west. At the primary Councilman Myerly was the only member of the old commission to survive beside the mayor. At the last minute the Business men's association put in nomination Messrs. Mitchell and Galbraith, and after a whirlwind campaign succeeded in putting their two men at the head of the ticket. Mitchell survived at the election, and Galbraith was defeated. It is the general opinion that two of the councilmen who were candidates at the primary were defeated by the anti-Catholic element. There has not been much strife between the Protestants and Roman Catholics for some fifteen years until this year when the situation became acute and religious questions cut a larger figure than formerly.

The proposition to buy the waterworks received a majority of the votes cast for it, but not the required statutory number. Except for the confusion of the voters, owing to the peculiar form of ballot, it is thought the proposition would have carried. The proposition to grant a franchise for a mutual automatic telephone company was lost.

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[1] See article on "St. Paul's Comptroller: An Interesting Experiment," NATIONAL MUNICIPAL REVIEW, Vol. II, page 268.

Kansas City, Mo. The non-partisan commission government league ticket was defeated at the election of April 7, by a majority of 9,727. While the Republican candidate for mayor received only 1,607, the Progressive only 861, and the Socialist 649, the non-partisan ticket received 18,687 and the Democratic 28,245. Local observers are inclined to believe that a large number of both Progressives and Republicans failed to vote the non-partisan ticket and voted the Democratic ticket rather than lose their party recognition and turn the city over to the control of the non-partisan party. An effort was made to show that the non-partisan party stood for the principles of administration of President Wilson and that the local Democracy was out of harmony with the positions he maintained. Senator Reed, however, appeared on the scene of action with a letter from Secretary Bryan stating point blank that if he were in Kansas City he would support the Democratic ticket as nominated.

Seattle, Washington. Comment has already been made[1] concerning the promises of Mayor Gill to do his utmost to give to the people of Seattle a clean and vigorous administration of city affairs. As an evidence of good faith he has appointed as chief of police, Austin E. Griffiths, who is locally known as the "father of Seattle's playgrounds," concerning whose civic activities the *Survey* has this to say: "Identified with practically every movement for social and civic progress, Mr. Griffiths is the sort of man who, in the words of one of his friends, 'would get up in the middle of the night to speak on public welfare.' An Englishman, a graduate in law at the University of Michigan, and a plain, unassuming citizen, he went to the state of Washington in 1889 and has lived in Seattle since 1897. Among his other activities he served as president of the playground association of Seattle."

I know from personal acquaintance with Mr. Griffiths of his deep devotion to all that relates to the city and its welfare. If sincerity and devotion to public interests and intelligence count for anything in the administration of the police department, then we may expect interesting and substantial results from Seattle. To quote again from the *Survey:* "Mayor Gill's action in appointing Mr. Griffiths, and his declaration that for the sake of his two boys he wants to merit the esteem of the good citizens of Seattle, have unified public sentiment and good-will."

Tacoma. At the preliminary primary A. B. Fawcett, a former mayor who was recalled in 1911, received the highest number of votes, Rev. C. F. W. Steever, the second highest, thus making these two candidates for mayor at the election held on April 21. At this Mr. Fawcett received 11,414 votes and Mr. Steever 9,394. Messrs. James Drake and C. D. Atkins were elected members of the council. At the primary the vote for Fawcett was 7,188 and for Steever 5,250; the next highest candidate, Bone, having 2,337. The proposal for a port district commission for Tacoma and Pierce county was defeated, as were also charter amendments aiming to create a two-platoon system in the fire department, to create the office of purchasing agent and an amendment aiming to give civil service employees the right to appeal to the commission in case they were discharged by the head of the office.

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Women Candidates in British Councils. Eighteen women candidates for election to the municipal councils in Great Britain are reported by the Women's local government association.

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Municipal Elections in England. At the recent municipal elections twenty labor candidates were elected over the liberal and conservative parties, but although a labor majority is thus being approached, these gains may disappear entirely next year.

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[1] See Vol. III, page 398.

IV. SOCIAL AND MISCELLANEOUS

English Municipalities.[1]—*Proposal for a "Greater Sydney."* In three of the capital cities of Great Britain, schemes have recently been promulgated for the enlargement of the existing municipal boundaries and amalgamation of the local governing bodies. The "Greater Cape Town" is already an accomplished fact. A "Greater Melbourne" depends only upon the action of the Victorian parliament. There is next in line a "Greater Sydney." The New South Wales labor government is pledged to a greater Sydney, and it is of some interest to consider the proposals which have been submitted by the recent royal commission looking toward a reorganization of the municipal administration and social conditions in the city of Sydney. It is proposed to create a greater Sydney council, with different powers and functions in inner and outer zones respectively. The inner zone will comprise sixteen municipalities with an area of 25,206 acres, and a population of 340,620. The outer zone will comprise an area of 225,618 acres, and a population of 420,930. The council will exercise full municipal powers in the inner zone. In the outer zone it will exercise only general supervisory and semi-legislative functions, administration being left very largely to the local councils. Provision is made for further extensions from time to time. The council will lay down only the general lines of policy in the outer districts.

Lessons from Leeds. The recent strike of municipal workmen at Leeds, England, resulted in some remarkable revelations to the special committee which investigated the conditions. The report of the committee shows that several departments of the corporation's services were unnecessarily over-manned, and that methods of work were employed that might be superseded and improved to the advantage of the public. It is proposed that a general purpose committee of seven members be set up to deal with the labor questions of the city, and that the city's tramways manager be appointed executive officer of that committee; and further, that the city council meet once in each quarter for the transaction of the city's business. The *Manchester Guardian* remarks: "This is Americanisation of our municipal institutions with a vengeance."

Greater London Arterial Roads. Sectional conferences upon the question of arterial road communication out of London were lately begun. The reports of them are to be submitted to the local government board. The deliberations will occupy probably about twelve months. It is expected that a town plan for Greater London will be evolved.

An English Mayor "Boss." The mayor of Dartmouth is reported to have expressed his intention to "boss the show" while he is in office. He has assumed to preside at the council's committee meetings, and the town clerk has upheld the legality of the mayor's seizure of power.

Superannuation Scheme in English Cities. A basis of a bill for providing superannuation allowances to officers and servants of all municipal and local government authorities has been drafted by the National association of local government officers, and confirmed at the national council meeting in October, 1913. All officers and permanent servants of a local authority are to be entitled to superannuation after ten years' service. After a service of ten years, ten-sixtieths of salary is to be allowed, and thereafter one-sixtieth for each completed year's service, with a maximum of forty-sixtieths.

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German Municipalities.[2]—*The waterworks of Charlottenburg,* are owned and operated by a private corporation, a rather unusual situation in Germany. The city did not feel like undertaking the financial risk involved in the operation of the works. The private corporation is paying twelve per cent in dividends.

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[1] Prepared by R. M. Jameson of the Bureau of Municipal Research, University of Texas.

[2] Prepared by Dr. Herman G. James, University of Texas.

The municipal gas works of Berlin yielded a net profit in 1913 of over $4,000,000. In spite of the ever increasing use of electricity for lighting purposes there was an increase in gas consumption over the previous year of more than 5,000,000 cubic meters. That this increase is not merely an absolute one, but also a relative one is shown by the fact that the per capita consumption increased by nine cubic meters.

Düsseldorf finance. The authorities of Düsseldorf have entered into an agreement with a Munich bank whereby it agrees to loan money on first mortgages on real estate in Düsseldorf and the city takes second mortgages. This is regarded as a beneficial arrangement for lightening the burden of the municipal mortgage bureau, while in creasing the possibility of credit for the property owning inhabitants.

Gifts to Berlin. As a tangible evidence of the oft mentioned German civic pride may be cited the fact that Berlin recently received a million and a quarter dollars within a few days from anonymous donors.

The Cologne academy for municipal administration offered as a short course this year a series of conferences on the question of the modern press. The matters specially considered were the training, problems and attitude of the journalist as well as the position of the press in the economic and public life of the state.

Theatre subsidies. The very serious if not destructive effect of the competition of moving picture shows on the legitimate theatre has made the question of further subsidies by municipalities for the regular drama a pressing one in German cities. In eighty German cities in which there is a theatre either owned by the city or subsidized by it, the cost to the city runs from a few hundred dollars to as high as nearly $40,000. The prospect of further increases in the necessary subventions is not reassuring.

State administrative control. That Prussian cities are not satisfied with the limitations imposed upon them by the system of state administrative supervision and control is being continually evidenced in writings and addresses of municipal officials. One of the most recent official protests comes from the chief mayor of the royal and imperial residence city, Potsdam. In his New Year's address the mayor deplores in no uncertain terms the "time-honored dependence" and the "tutelage" to which the city has been subjected by the government, and calls upon the citizenship to voice their protests against a continuation of these conditions.

Municipal indebtedness. The fact has frequently been noted that the administrative control provided in Prussia in the matter of municipal indebtedness has not resulted in preventing what seems to some extravagance and unjustified indebtedness. In recognition of this fact there has recently been instituted by the Prussian ministry of the interior an investigation into the amount of indebtedness incurred by Prussian cities, the purposes for which it has been incurred, and other statistical information which may be of value in suggesting necessary measures for the prevention of further waste along these lines.

Municipal suffrage. The council of Charlottenburg has petitioned the national assembly to do away with the political preference given to owners of buildings in the local government and to introduce the secret ballot, both of which reforms in the Prussian municipal code have been agitated for a long time in many quarters.

Berlin and the income tax. Berlin is greatly disturbed by the continuing and ever increasing exodus of large taxpayers from the city where taxes are high to the suburbs where they are relatively low. This exodus has already had an appreciable influence on the taxable resources of the city and its continuation is viewed with alarm. In 1913 alone there were forty-six taxpayers with an income of over $12,000 who moved out of the city proper and only twenty-six moved to the city. In the class of taxpayers having an income of over $6,000 up to $12,000 there was a net loss of sixty-nine and in the lower classes an ever increasing number of emigrants to the suburbs.

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The Harvard Bureau for Research in Municipal Government is now in its third year of operation. Established in 1911 for the primary purpose of providing a workshop in which Harvard undergraduates might study municipal government from first-hand sources and materials, it has steadily kept this chief purpose in view. But the bureau has also given freely of its resources to all outside authorities, and a large number of towns, cities and their officials, civic bodies, and individuals have asked for information of all sorts. The Harvard bureau contains one of the best collections of municipal material in this country. It includes the charters, ordinances and departmental reports of practically every American city of any importance, as well as of many smaller municipalities and towns; the publications of all the important civic and reform organizations, chambers of commerce and similar bodies; the standard works and current literature on municipal government in all its phases; and a great mass of sporadic reports and pamphlets of the kind difficult to discover, extremely valuable for detailed information, and almost impossible to secure after a short lapse of time. Its materials relating to European municipal administration are particularly comprehensive.

Students in the courses on municipal government are given opportunities for practical work in detailed questions of municipal administration; they are encouraged to become thoroughly familiar with the literature of the subject; in short, the subject is studied in the only way which will ever give any one a proper grasp of it. During the past winter a great deal of work was done in gathering data for the mayor's charter commission in Cambridge. The bureau's materials are also made use of by many persons not connected with Harvard University.

As yet no publications have been issued, although a checklist of bibliographies on municipal government, prepared by Joseph Wright, the bureau's librarian, was printed in the last number of the NATIONAL MUNICIPAL REVIEW (see Vol. III, page 430). Two substantial volumes are, however, in preparation. The first of these will be a work on municipal charters, by Hon. Nathan Matthews, former mayor of Boston, who for some years has served as a lecturer on municipal government at Harvard. This volume contains a practical discussion of charter-making methods, along with the texts of charters suitable for a medium-sized city. Mr. Matthews' book is now in the press. The second publication is to be a bibliography of municipal government, which will appear, it is expected, early in 1915. This compilation will cover the whole field of municipal administration, but no attempt is being made, of course, to include all the available materials. Nothing that has been in print longer than ten or a dozen years will be included. Both of these volumes will be issued by the Harvard University Press. Others are also in the course of preparation. The idea is to print one or two substantial monographs a year, rather than to send out small bulletins at frequent intervals.[1]

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Educating Municipal Employees.— A new outlook is offered to evening education in Philadelphia to-day. Here where night classes have flourished for years, a movement has recently been set on foot to broaden and standardize the work in the different schools, and to bring it more prominently before the attention of the public.

The industrial and technical education conference, organized last fall as a section of the public education association, has carried on a campaign during the winter, to get the business men of the city in touch with representatives of the schools, in an effort to find out how the schools can help the employers in training men for their respective industries, particularly by means of evening instruction.

An important development of the conference was a meeting held last September, of all municipal employees in Philadelphia in the interests of advanced education. This meeting took place in the mayor's reception room in city hall, and was attended by 800 men from the various city departments. Its object was to bring to their attention the means by which they may equip themselves for positions of greater skill and higher responsibility. The opportunities now offered were presented in brief addresses by the heads of departments, and the officers of the conference, and by means of informal discussion with employees, suggestions were obtained as to the possibilities of enlarging the field so as more fully to meet their needs.

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[1] Alice M. Holden.

During the weeks following, private conferences were held with individuals by which advice was given to each man as to his own particular needs, and as a result 152 men in the departments of works and safety were enrolled in night school. A similar effort to reach the employees of large manufacturing firms was made through placing posters in industrial establishments and in libraries, calling attention to the opportunities and advantages of evening instruction, and by co-operative advertising in the newspapers.[1]

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City Manager Course. The faculty of the University of Michigan has arranged for graduate work in municipal administration in the larger sense. The plan is to give the degree of master of arts or science in municipal administration. The minimum requirement will be one year of residence at the university after graduation, together with at least three months of field work, preferably with some bureau of municipal research. The degree cannot be obtained in one year unless the candidate has had an unusually large amount of undergraduate work in political science and economy and allied branches. The course will cover municipal administration in the narrow sense, municipal accounting, city planning, law courses having to do with municipal corporations, public service corporations, public investments, public health, and descriptive courses having to do with municipal engineering problems, water supply, light, sewage disposal, etc. The university trustees have been able to arrange such a course by correlation of the work in the sub-departments of political science and economics, and landscape architecture, and the departments of engineering, medicine and law.

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Educating Students in Municipal Affairs. A group of thirty special students of city problems, comprising the class in municipal government of Prof. L. S. Rowe, of the Wharton school of finance and commerce, University of Pennsylvania, visited New York on Saturday, March 21, to undertake an inspection of several of the city departments. Among the places visited were the following:—Training school for public service, bureau of municipal research; city hall, President McAneny, of the board of aldermen, spoke of the efficiency program of the board of estimate, and Dr. John Quincy Adams, of the municipal art commission, explained the work of the commission and illustrated it from the history of the oldest public building.

The students then visited the office of the public service commission at which the organization and work of the commission were fully explained by the secretary, Travis H. Whitney. This was followed by a visit to the department of health where the organization and plans of the department were explained. Dr. Josephine Baker gave a talk on the work of the bureau of child hygiene. At the luncheon which followed, addresses were delivered by Henry Bruère, chamberlain of the city of New York, Deputy Police Commissioner O'Daniel, and Deputy Commissioner Burdette Lewis, of the department of correction.

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Municipal Surveys.—The following is a list of recent surveys conducted under the auspices of the department of surveys and exhibits of the Russell Sage Foundation:

Newburgh, New York (1913). Limited investigations of social conditions. Investigators: Zenas L. Potter, Franklin Zeiger, Franz Schneider, Jr., Amy Woods, Frederick W. Jenkins, Margaret F. Byington, Edward F. Brown and D. O. Decker.

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[1] From James S. Hiatt, secretary of the Philadelphia Public Education Association.

Ithaca, New York (1913). Pathfinder's survey. Investigators: S. M. Harrison, F. Schneider, Jr., Z. L. Potter.

Scranton, Pennsylvania (1913). "Scranton in quick review." Investigators: S. N. Harrison, Z. L. Potter.

Atlanta (1913). Pathfinder's survey. Investigators: S. M. Harrison, Z. L. Potter, E. Schneider, Jr.

Topeka (1913). Social Survey. Investigators: S. M. Harrison, F. Schneider, Jr., Z. L. Potter, D. O. Decker, and C. M. Robinson.

Newark, New Jersey (1913). Study of municipal health department. Investigator: F. Schneider, Jr.

Old South Brooklyn District (1913). Preliminary neighborhood survey. Investigator: Mary Swain Routzahn.

Springfield, Illinois (1914). Social survey. Investigators: Francis H. McLean, Miss Florence Lattimore, Miss Caroline Bedford, Miss Margaret Bergen, Zenas L. Potter, Franz Schneider, Jr., D. Van Blarcom, Miss Annie B. Murray, Miss Mary Van Kleeck, Miss Odencrantz, D. O. Decker, Lee F. Hanmer, Clarence A. Perry, Dr. Leonard P. Ayres, R. R. Lutz, A. H. Richardson, Miss E. C. Bryner, Shelby M. Harrison, director.

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The City Planning Exhibitions.—The American City bureau of New York has done a distinct service to the country in getting up two travelling exhibitions of American and foreign city planning. The material for the exhibitions was collected during the fall of 1913 under the auspices of a committee of the Board of estimate and apportionment of New York City. Invitations to contribute exhibit material were sent to American city officials everywhere and to all the prominent city planners of the country. These invitations were followed up by correspondence and personal solicitation. Through the department of state, instructions were given to American consuls in European cities to get together foreign city planning material. Large numbers of maps, charts, drawings, photographs and so forth were received, and tentatively arranged for exhibition in the New York Public Library during the last week in November and the first two weeks in December. Even after this first exhibition closed, material continued to flow in.

After several weeks more of work had been put on it, the exhibition was shown at the William L. Dickinson High School, Jersey City, in January, 1914. During February the exhibition was rearranged and permanently mounted on 154 panels, thirty-one by sixty-three inches in size, with supplementary maps and placards to fill up extra wall space that might be available. After the first exhibition was well under way, the widespread interest manifested made it apparent that a second exhibition more suitable to the needs and finances of the smaller cities would be needed. The wealth of material collected in excess of what could be used for the first exhibition made the preparation of another one comparatively easy. This second exhibition, as completed, covered ninety-six panels and likewise included supplementary maps and placards. The chief differences between the two exhibitions were, first, in their size, and, second, in the fact that in number two most of the material relating to the great cities of the world was replaced by material from cities of less than 100,000 population.

The large exhibition, since it was put into permanent form, has already been shown in Oakland, San Francisco, Los Angeles and Toronto, and the smaller one has been shown at Madison, Wisconsin.

The characteristic feature of these exhibitions is the analysis and unfolding of the entire subject of city planning on a series of thirteen introductory panels, and the arrangement of material in the body of the exhibition according to the plan outlined in the introduction. The first panel contains instructions to visitors, and the second panel is devoted to a discussion of "What City Planning

Means." The analysis then takes up in broad outline eleven subdivisions, problems or steps in the development of an ideal city plan.

These subdivisions, and the number of panels devoted to each one of them in the two exhibitions, are as follows:

Subdivision	*No. of Panels in Exhibition No. 1*	*No. of Panels in Exhibition No. 2*
1. The site, including problems of topography, growth, etc.	6	6
2. Communication with the outside world, including waterways, main roads and railroads	11	6
3. Sanitation and health, including water supply, sewerage, disposal of wastes and prevention of epidemics	11	6
4. Guarding against disaster, including fire, flood, earthquake, tidal wave, etc.	6	6
5. Public convenience, including streets, transit, public buildings, traffic squares, civic center groups, etc.	42	28
6. Recreation, education, culture, including parks, boulevards, recreation centres, libraries, municipal theatres, schools, etc.	23	13
7. Encouragement of industry, including expositions, factory sites, railroad facilities, power, industrial villages, etc.	13	4
8. Suburban development, including residential subdivisions, garden cities, etc.	13	10
9. Public control of private activity, including housing, building zones, regulation of heights of buildings, city planning legislation, etc.	13	4
10. City planning procedure, including surveys, comprehensive plans, etc.	11	8
11. Financial aspects of city planning including special assessments, excess condemnation, etc.	3	3

Concerning this exhibit Dr. Delos F. Wilcox writes:—"In February and early March, I had the job of finally organizing the material for permanent mounting. It was rush work even then. Contracts had already been made for Oakland and Madison, Wisconsin, and my job showed no respect for nights, Sundays or holidays. I was a good deal of a novice at exhibition work and not a general city planner, but I think I never did a piece of work of equal magnitude that brought me so much joy while I was doing it. Since then, when I go on traction expeditions, I have no eye for carlines except on the basis of a city plan and the reconstruction of the streets so as to make convenient transit routes possible. To my mind, city planning, in the broad sense of that term, is the fundamental and everlasting problem of our ill-built cities. Franchise relations and vested rights in the use of the streets I call the "invisible element of city planning," but they are only a part of the whole, and the whole is greater than any of its parts. So, I take my hat off to the city planners who are big enough to know their business, and are not merely city milliners, and I bid Godspeed to the city planning exhibitions, with their lessons in civic forethought, socialized effort and organized democracy."

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Conference of Universities and Public Service. — From fifteen states came one or more representatives of thirty-five universities and forty other institutions to answer Mayor Mitchel's call for a conference on universities and public service. Harvard, Columbia, New York, Chicago, Pennsylvania, and Pittsburgh universities were represented as well as Michigan, Wisconsin, Iowa, Minnesota, Kansas, Texas and other state universities. Representatives of the Chicago school of civics and philanthropy, of the National association of corporation schools, of the United States bureau of education, and of the Northwest league of municipalities, of the Russell Sage foundation, of the Carnegie foundation for the advancement of teaching, of the National municipal league were present. The chairman of the New Jersey commission on old age insurance and pensions, the director of the department of public works of Philadelphia, the head of the Dayton and New York bureaus of municipal research, and other agencies interested in good government were present.

The mayor in his opening address showed three phases of activity by means of which universities and public service may coöperate and be mutually helpful: "First, to enable the men who are in attendance at the universities to get practical knowledge of the working of the city government that will fit them to take part in it; second, to enlarge their field in the scope of their learning, to make them more efficient for their discharge of the work committed to them in the government; and, third, through the coöperative arrangement that the university itself render direct service to the government of the city in solving technical and other problems that are presented." The conference showed these public service activities were being performed by various universities throughout the country. It also revealed the fact that in many cases this was the result of the initiative of a professor or of a department. It was incidental rather than planned. It was the distinct feeling of the conference that the universities should definitely undertake such activities and plan for them.

Connections already made between universities and government has demonstrated the practicability of it. The need for such coöperation has developed in the new democratic movement in the country. Mayor Mitchel, when he issued the call for the conference, said: "In our political life, the rapid development of the commission and city manager plans of municipal government, the establishment of efficiency divisions of civil service commissions, the industrial, tax, and public utility commissions in many states, are evidence of the growth of more adequate governmental machinery. Efficient public service must recognize the need for a trained personnel if government is to become increasingly effective as an instrument of the common welfare. Seeking this trained personnel, public service must look largely to educational institutions. The institutions of learning, in turn, are grasping their new opportunities for service."

The conference took up the application of the idea of practical training for public service in connection with two types of institutions: the municipal university and the national university. New York City at the present time has two municipal colleges, one for men and one for women upon which it is spending over one million dollars a year. The New York chamber of commerce is planning to give the city $500,000 for buildings for a school of commerce and administration, this institution to be maintained by the city. It was thought advisable to discuss the problem of a municipal university with special reference to New York to make the discussion concrete. There were pointed out the tremendous opportunities of using New York City as a political science laboratory and as a social laboratory. In the light of these facts it was also pointed out the great opportunities lying before the College of the City of New York and the proposed College of Commerce. So likewise a national university might use the tremendous opportunities in the various departments and scientific institutions in Washington. The national university would need not so much buildings or funds as an office from which it could plan the assignments of students to do work under actual conditions to be supplemented by conference or seminar.

It was not possible in the foregoing resumé to make all the points that were made at the conference, but the main ones are probably included. The members of the conference, at the closing session, requested that the committee on practical training hold annual conferences on this subject. The committee would be glad to have the readers of the NATIONAL MUNICIPAL REVIEW make suggestions as to a conference for the next year.

As Mayor Mitchel pointed out, there is a world-wide movement to make education deal more consciously and more directly with social well-being. Movements are gathering momentum which will not be overcome. The *Christian Science Monitor* summed it up this way: "For while a prophetic, visionary and young man's movement now, this conference has back of it trends in the political and educational world which are not to be reversed."[1]

*

Conference of Secretaries of State Leagues of Municipalities.—For several years past the National municipal league has been studying the question of how best to increase the effectiveness of the work of the state leagues of municipalities, a number of which are making very substantial contributions to the development of higher municipal standards. As a part of this study H. A. Mason, secretary of the league of California municipalities, was invited to read a paper at the Los Angeles meeting of the league. This was published in the NATIONAL MUNICIPAL REVIEW.[2] A committee of the council that was appointed to consider the whole matter pointed out that the success of the California league was due to the fact that it maintained a paid secretary who acted as a clearing house between the members of the league, who represented the league at the state capital during the sessions of the legislature, and arranged annual conferences, and moreover that the elective and administrative officials of the cities were brought together in annual conference. In fact, the committee believed that the strength of the California league was due to this latter fact, saying that in many cases leagues of municipalities are simply conferences of mayors, and the fact that mayors are continuously changing makes it difficult to establish anything of a substantial nature. So long as such leagues remain simply conferences of mayors the logical national body to give them aid is the League of American Municipalities. The latter, however, is suffering from a somewhat similar fundamental difficulty. The success of the civic secretaries' conference organized by the National municipal league led the committee to suggest that a similar conference of secretaries of state leagues of municipalities be held. Accordingly they were addressed on the subject and asked to vote for a committee to make arrangements. This correspondence resulted in the election of a committee and a second letter was sent to the secretaries reading as follows:

> Some weeks ago a letter was addressed to the secretaries of the several state municipal leagues suggesting the desirability of their getting together for a conference in connection with the next annual meeting of the National municipal league in the same way that the civic secretaries have now for several years foregathered in the same connection. In this letter it was further suggested that a committee of three be appointed to arrange the details of a conference and program. Certain names were suggested and votes were requested for members of the committee. The result of this vote has been the selection of the following committee:
>
> W. P. Capes, 105 East 22d Street, New York—chairman. Secretary of the New York association of mayors and other city officials;
>
> Prof. Richard R. Price, University of Minnesota, Minneapolis—secretary of the League of Minnesota municipalities;
>
> Prof. C. G. Haines, Walla Walla, Washington—secretary of the Northwest league of municipalities.
>
> Mr. Capes was declared chairman because he received the largest number of votes, Messrs. Price and Haines were tie, receiving the next highest number.

*

Meetings.—*Civil Service Commissions.* The seventh annual meeting of the National assembly of civil service commissions was held at Pueblo, Colorado, June 11–13. The principal subject for discussion was the model civil service law which has been prepared during the past year by a joint committee representing this organization and the National civil service reform league. An exhibit of photographs, charts and literature illustrative of the work of the commissions formed an interesting feature of the meeting.

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[1] From Edward A. Fitzpatrick, of the University of Wisconsin and secretary of the committee of the conference.

[2] See Vol. I, page 603.

A Snow Removal Conference was held in Philadelphia, April 23, which is cited as illustrating the specialized attention that is being given to certain phases of the municipal problem. The conference was an exceedingly suggestive one to the officials who are charged with this particular work.

⁂

Proposed Statistical Survey of British Towns.—Recently an important conference was held in London to consider the question of a statistical survey of British towns and the issuance of a volume of comparative statistics along the same lines as those followed by the municipal authorities in Paris, Berlin and Vienna. The conference was summoned by the London County Council.

⁂

Census Municipal Statistics.—The Bureau of the census has issued an announcement to the effect that it now contemplates the continuance of the publication of its official statistics of cities having over 30,000 inhabitants, and that there will be a return to the former fiscal year ending June 30, instead of the period covered by the later reports. This change is regretted by those who use the statistics most because it delays the appearance of the statistics for the majority of the larger cities six months and thus disregards the popular wishes with reference to the subject which led to the abandonment of the practice which is now to be resumed. This change in the plans is due to the general expression of opinion by students of municipal affairs and by the publications making a specialty of publishing information relating to city progress and conditions.

⁂

United States Fire Loss.—According to a statement issued by the National board of fire underwriters the per capita fire loss in the United States has shown a gradual increase during the past thirty years, and is unreasonably in excess of that in European countries. For the six years from 1907 to 1912, inclusive, the fire loss in the United States averaged $210,000,000 annually, and exceeded that figure in all but two of these years; the loss in the corresponding period of ten years earlier, 1897 to 1902, averaged $148,000,000, and in none of these years exceeded $166,000,000. Between the two periods occurred the conflagrations in Baltimore and San Francisco, with losses of $50,000,000 and $350,000,000, respectively. The loss per capita in the United States in 1910 was $2.33, as against $2.10 in 1900 and $1.50 in 1880. The figures for 300 cities in the United States, having an estimated population of 20,000,000 or over, show a per capita loss in 1912 of $2.55; the per capita loss in 1912 in forty-five European cities averaged forty-nine cents, and ranged in the various countries from four cents to ninety cents. The seriousness of the conflagration danger in American cities is realized by business men generally, and the National board of fire underwriters is striving to reduce the evil by urging adequate water supply with improved systems of distribution; efficient organization and modern equipment of fire departments; and adoption of building codes providing for improved and safe methods of construction.[1]

⁂

The New York City Club and Popular Opera.—Under the auspices of the committee on popular opera, gratifying results have been obtained in producing opera for the people. Last fall a company was organized to give performances at popular prices at the Century opera house with the result of an attendance of over 400,000 during the season. Especially notable was the fact that seats ranging in price from twenty-five cents to one dollar were sold out for over ninety per cent of the performances and, with operas of exceptional popularity, hundreds seeking admission were turned away. In order to continue its purpose, the committee is now organizing an opera club of one hundred members to assure the financial stability of the undertaking.

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[1] Prepared by Prof. Murray Gross.

The Los Angeles Civic Center League has been organized to encourage the organization of civic centers in schoolhouses of the city to give the people a public forum for a free and full discussion of all public questions and make it possible to secure efficient coöperation in getting what the people desire. The organization of the league consists of representatives from each civic club, woman's club, parent and teacher's association, improvement associations, and similar organizations of the city which desire to be represented.

⁂

The Social Service Bulletin.—In October, the public library of the District of Columbia began the publication of a social service bulletin to be issued monthly.

⁂

Prize Competitions.—*Baldwin Prize, 1914.* For the second time in the history of the Baldwin prize competition the judges have awarded the first prize to a young woman, Miss Sybel Edelweiss Loughead, who last year won the prize. Miss Loughead is a member of the senior class at Radcliffe college. Honorable mention was made of the essay of Thomas L. Dyer of Stanford University. The subject of the competition was "Is the Commission Form of Government a Permanent One?" The contestants came from the following colleges: Radcliffe, Stanford University, Clark, University of Pennsylvania, Wellesley, Harvard, College of the City of New York, Washington and Jefferson, Yale, and the University of Texas. The judges were Prof. Howard L. McBain, associate editor of the NATIONAL MUNICIPAL REVIEW and associate professor of municipal science and administrative law at Columbia, and H. J. Haskell, editor of the *Kansas City Star.*

Los Angeles Prize. Through the generosity of Meyer Lissner, Esq., the Los Angeles member of the Council of the National municipal league, a prize competition of $100 has been established for the best essay on the subject "The Best Charter for Los Angeles." The students of Occidental College, the University of Southern California, and the thirteenth and fourteenth-year students at the high school have been invited to compete. The prize has been awarded to Miss Helen Dolley. The judges were H. S. Gilbertson, secretary of the Short Ballot Organization, and Clinton Rogers Woodruff, editor of the NATIONAL MUNICIPAL REVIEW.

Portland, Oregon, Prize. $600 has been raised in Portland, Oregon, among the friends of Reed College to establish a National municipal league prize in that institution for an annual competition on some subject connected with municipal government.

The Cincinnati Prize for 1914 was awarded to Mr. Oscar F. See, with honorable mention of Julius J. Hoffmann, for his essay on "The Best Charter for Cincinnati." The judges were Alfred Bettman, Esq., of Cincinnati, and Clinton Rogers Woodruff, secretary of the National municipal league.

⁂

A North Carolina Municipal Investigation.—A special commission has been appointed by the Governor of North Carolina to investigate and make a report on municipal government, conditions and public utilities in Europe.

⁂

Cost of Living.—The Council of the National municipal league has renamed the committee on cost of living as follows: "Committee on the relation of the city to its food supply." The members of this committee are: Dr. Clyde L. King, chairman, Charles J. Brand, Hon. Cyrus C. Miller, H. B. Fullerton, C. W. Thompson. A comprehensive report is expected from this committee at the November meeting of the league.

⁂

J. Horace McFarland.—Apropos of the failure of the new Harrisburg commission to appoint J. Horace McFarland a member of the city planning commission authorized under the law of 1913, the Harrisburg *Patriot* had this to say:

> There is one man in Harrisburg preeminently fitted for a place on the com-

mission who has served the state for many years without fee or hope of one, who doubtless would have accepted an appointment, a man of national reputation, . . . J. Horace McFarland, president of the American civic association and vice-president of the National municipal league. Mr. McFarland was not appointed on the city planning commission because he had earned very greatly to his credit the enmity of the little political pieces who control the council. No man has done more for the physical development of Harrisburg and the cultivation of an enterprising civic spirit among the citizens than Mr. McFarland, and no other man has done so much or half so much or one-tenth so much to advance Harrisburg through the length and breadth of the land.

The paper might have added with entire propriety that the commission did not diminish in any respect Mr. McFarland's reputation, but afforded students of municipal affairs an index of its own capacity and public spirit.

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Robert A. Campbell.—The Board of estimate and apportionment has authorized the New York public library to assume the management of the municipal reference library, for the past year operated as a part of the finance department, and space has been allotted for this municipal reference branch in the northwest corner of the fifth floor of the new municipal building. Robert A. Campbell, who has been appointed librarian of the municipal reference branch, graduated at the University of Wisconsin, with the degree of A. B., in 1906; was special agent of the Wisconsin state tax commission in the summer of 1906; assistant in the University of Wisconsin, 1906–08; on the staff of the national tax commission, summer of 1907; a fellow of Cornell University, 1908–09; fellow of the University of Wisconsin, 1909–10; legislative reference librarian, California, 1910–11; secretary, Wisconsin state board of public affairs, 1911–14. Before he went to California, Mr. Campbell also had considerable experience under Dr. McCarthy in the legislative reference department of the Wisconsin free library commission.

Robert E. Cushman of Akron, Ohio, has been appointed to one of the Cutting traveling fellowships at Columbia. He has sailed for Europe to study the question of excess condemnation preparatory to preparing a volume on the subject for the National municipal league. Mr. Cushman is the author of an interesting pamphlet, entitled "Fighting Organic Laws," being a discussion of the action of the Ohio electorate in the revision of the state constitution in 1912.

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Elliott Hunt Pendleton.—The City Club of Cincinnati gave a luncheon recently in honor of Elliott Hunt Pendleton, apropos of the suspension of the publication of the *Citizens' Bulletin*.[1] The officers of the club deemed it due to Mr. Pendleton's eminent services to the cause of honest and efficient municipal government, that one of the club meetings should be devoted to an expression, through formal addresses, of the high appreciation in which he was held by his co-workers.

The luncheon was a tribute not only to the *Citizens' Bulletin* and its usefulness, but to Mr. Pendleton's personal example of generous self-sacrifice for the common good. The speakers at the dinner were President George A. Thayer of the club, Judge Rufus B. Smith, John R. Schindel, Esq., chairman of the board of trustees of the Bureau of Municipal Research, Alfred K. Nippert, and Charles Newell. Mr. Pendleton's response was in his characteristically modest fashion. The various speeches have been published in a pamphlet and constitute an interesting chapter in Cincinnati's fight for higher municipal standards.

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D. O. Decker of Ossining, N. Y., has been elected civic commissioner of the Commerce Club of St. Joseph. The selection of Mr. Decker is a pioneer step as very few commercial bodies have retained men specially trained in municipal work to take charge of the civic department.

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[1] See National Municipal Review, Vol. II, page 397.

Dr. Jesse D. Burks, formerly director of the Bureau of Municipal Research in Philadelphia, has been appointed director of the efficiency commission of the city of Los Angeles, having won his position on the basis of a competitive examination.

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Knowlton Mixer, a member of the council of the National municipal league has been chosen chairman of the committee having charge of the campaign for the new Buffalo charter.

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William Mulholland, who had charge of the construction of the new Los Angeles aqueduct[1] has been made a Doctor of Laws by the University of California.

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 97.

DEPARTMENT OF REPORTS AND REVIEWS

PROFESSOR JOHN A. FAIRLIE, *University of Illinois*
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1. REVIEWS OF REPORTS

Government Ownership of Telegraphs and Telephones.—1. *Government ownership of electrical means of communication;* a report to the postmaster general by a special committee of the post office department. November 25, 1913.)

2. *Annual report of the directors of the American telephone and telegraph company to the stockholders for the year ending December 31, 1913.*

3. *The postalization of the telephone and the telegraph:* speech of Hon. David J. Lewis of Maryland in the House of Representatives, January 16, 1914.

The above are the titles of three publications of recent issue that deal with the subject of government ownership of the telegraph and the telephone. The last of the three was reviewed in the April number of the NATIONAL MUNICIPAL REVIEW (See Vol. III, page 382) and will be referred to in this review only in an incidental manner.

The first of the publications mentioned embodies the results of an investigation extending over several months during the year 1913, and carried on by a committee of three officials in the post office department at the direction of Postmaster General Burleson. The document includes the report of the committee, together with a letter of transmittal to the senate by the postmaster general; a series of eight appendices covering 122 pages; a tentative draft of a bill declaring a government monopoly over electrical means of communication; and the supplementary statistics relative to telephone and telegraph services compiled and furnished by the bureau of the census.

Inasmuch as the appendices and other supplementary material in the volume represent the facts upon which the committee based its report and recommendations, it is well to indicate first the nature and scope of contents of this part of the volume. In Appendix A is found an historical résumé of the agitation for government ownership of the telegraph and telephone in the United States, reviewing the constitutional provisions for a postal establishment, the development of the telegraph and the refusal of the government to assume control of this means of transmitting communications, the rise of the Western Union, excerpts from the reports of numerous postmasters general, from the reports of the industrial commission in 1901, and from arguments on the subject presented by Judge Walter Clark, Prof. Frank Parsons and Prof. E. R. A. Seligman, and finally copies of acts of congress of 1866 and 1901 relating to the subject of the investigation. Attention is called to the fact that the government refused to purchase Mr. Morse's patent at $100,000, and that congress later urged the sale of the government line operating between Washington and Baltimore inasmuch as it was costing the government about $4,000 a year to maintain it. Appendix A closes as follows:

> Government ownership of the electrical means of transmitting intelligence is brought to the attention of the American people of 1913 with the endorsement of nearly every postmaster general since the civil war, with a score of favorable reports by committees of congress, and by the example of practically every other nation of the civilized world. More than

seventy bills have been introduced in congress to accomplish it. Meanwhile the private operation of the telegraphic and telephonic facilities has resulted in a virtual monopoly by which the people are annually taxed vast sums for which they receive no adequate return.

The material in Appendix B is a compilation of the legislation enacted in the states and is offered in evidence as indicative of the general dissatisfaction alleged in regard to the telegraph and telephone services now given. Thirty states are represented in this compilation.

The other six appendices are devoted to charts, statistical tables, miscellaneous data, and comparative statistics relating to the conduct of the telegraph, telephone and post office in the United States and foreign countries, sixteen of the latter being included. The supplementary statistics compiled by the bureau of the census relate to both telephone service and telegraph service, including cable and wireless as well as land systems.

The tentative draft of the bill declaring a government monopoly over electrical means of communication declares the purpose to be to promote the postal service of the United States. It applies to the latter and Alaska. It provides for the condemnation of the telephone and telegraph systems, farmers' lines excepted, authorizes the postmaster general to take charge of the long distance lines on July 1, 1914, and of the other properties condemned within a reasonable time.

Section four of the bill clothes the interstate commerce commission with the authority and power to appraise the values of the property condemned, and provides for a review of its work by the circuit court of appeals and, on appeal by the supreme court in case either party is dissatisfied with the award of the commission.

Sections five and six deal with the financing of the payments of awards made, the secretary of the treasury being empowered to issue bonds "in such sum or sums as may be necessary to make payment of such awards." Seventy million dollars is also appropriated for extensions and improvements of the service.

Section seven takes up the problem of administration of the service after acquisition, provides from the gross receipts for a fund to cover depreciation, extensions and development, but not to exceed in any one year ten percentum value of the properties. The postmaster general is empowered to lease such property as may be necessary and to license the construction and operation of telegraph and telephone services, and fix the conditions therefor but all such licenses are to provide for purchase by the government. Existing lines, including farmers' lines, are in section eight licensed to continue in business until the government takes charge of their properties.

The declaration of the government monopoly of electrical means of communication is made effective in the future by means of section nine which forbids the construction and operation of such services except under government license, fixes penalties for interference with the service, and for offenses against the property, funds and mails of the department.

The report of the committee covers a wider range than was intended. The relation of the telegraph and telephone systems to the postal service is considered by way of introduction and attention is called to the fact that under private ownership and operation the facilities for electrical means of communication will be extended only in proportion as substantial dividends to the stockholders are insured, while under government ownership these benefits could be extended to the masses of the population. An analysis of the telegraph service follows together with a review of the effect of the telephone on telegraph service, the conclusion reached being that the acquisition of the telegraph systems alone would be unwise, inasmuch as they would be inadequate for postal needs, and further because the telephone is supplanting the telegraph and might be equipped to do so entirely.

The report, therefore, takes up the topic of telephone service, shows the essentially monopolistic tendencies of the telephone business, and contrasts the policies of a public and a private monopoly as follows: "In the extension of service the determining factor with the government is the needs of the people; with the private monopoly, the consideration of profit. . . . In fixing rates the policy of this government is to superimpose no charge for taxation, but only to see to it that the service as a whole is self-supporting. The private monopoly, on the other hand, must make a profit, and in providing for this tends to increase its rates to the highest point that will not, by so greatly restricting the volume of business, impair the aggregate profit."

Attention is called to the fact that it is the admitted object of the American telegraph and telephone company to establish a nation-wide monopoly of the telephone business, that to foster competition results in waste and inefficiency due to duplication. What is needed is not artificial restraint, but natural development under management of an unselfish agency like the postal service. It is further emphasized that maps of the postal service and of the telephone service are strikingly similar except that the postal service is the more extensive, and that, therefore, three agencies are operating in the profitable field while the only essential difference in their work lies in the mode of transmission.

The problems of merging these services under the postal department are discussed and the committee concludes: "Your committee has no doubt that the institutional efficiency of the telegraph and telephone services in this country would be increased by government ownership."

On the subject of method of acquisition the committee gives consideration to the feasibility of gradual acquisition and to this end divides the telephone properties into three groups, as follows: The long distance and toll lines, the exchange systems, and the farmer lines. The committee evidently believes in the acquisition of the long distance and toll lines and also the exchange systems at the outset and for two reasons: first, the Bell companies would oppose the taking of a part of their plant only, in addition to the fact that the cost of operation would be greater, and, second, the tendency would be for the private companies to allow the properties left with them to run down, or possibly even assume a hostile attitude. The committee, however, seriously questions the advisability of acquiring the farmer lines and suggests that they be licensed to continue.

The cost of the taking over of the telegraph and telephone properties is estimated at something less than $900,000,000 which is the capitalization of the entire commercial network. It is proposed to extend the payment for these properties over a period of years, and the report states that no serious difficulty would be experienced in financing the proposition. In this connection the experience of Japan and Switzerland in the acquisition of their railway properties is cited.

The report closes:

> Your committee has reached the conclusion that the only way to afford to the people the complete and modern postal facilities that the constitution makes it the duty of the government to provide is to put into effect the following recommendations:
>
> 1. That congress declare a government monopoly over all telegraph, telephone, and radio communications and such other means for the transmission of intelligence as may hereafter develop.
> 2. That congress acquire by purchase at this time at the appraised value the commercial telephone network, except the farmer lines.
> 3. That congress authorize the postmaster general to issue in his discretion and under such regulations as he may prescribe, revocable licenses for the operation, by private individuals, associations, companies, and corporations, of the telegraph service and such parts of the telephone service as may not be acquired by the government.

The second of the publications, The annual report of the directors of the American telephone and telegraph company to the stockholders for the year ending December 31, 1913, is a pamphlet of sixty-eight pages. The first part is devoted to the report of the Bell system in the United

States for 1913, including an account of the terms of the dissolution of the merger between the American telephone and telegraph company and the Western Union telegraph company. Pages 28 to 62 are given to the consideration of government ownership and operation. The report and the discussion is signed by Theodore N. Vail, president, and may, therefore, be taken to represent fairly the attitude of the Bell companies toward the question of government ownership and operation. The following declarations appear in the introduction to the discussion:

> We recognize a "responsibility" and "accountability" to the public on our part. . . . Our opposition to government operation and ownership is not based on pecuniary, partisan, prejudiced, or personal reasons. . . . We are opposed to government ownership because we know that no government-owned telephone system in the world is giving as cheap and efficient service as the American public is getting from its telephone companies. We do not believe that our government would be any exception to the rule.

Attention is then called to alleged errors in the compilation of the report of the post office departments committee, the failure of the report to take into account materially dissimilar conditions, and the conclusion stated that the statistics compiled in that report "have little or no real value." Evident satisfaction is manifest, however, in the conclusion of the postal department's committee that the telephone and telegraph business should constitute one system.

> A thorough study of all available reports and official information on the operations of government-owned and operated telephones and telegraphs shows that . . . the combined telegraph and telephone are without exception operated at a deficit. . . . These deficits are . . . due to errors in management . . . impossible theories of operation, and a mistaken policy founded on promises, prophecies and assertions . . . and upon a failure to understand and appreciate the advantages of private as distinguished from government organization. The advantages of government *regulation* over government *ownership and operation* are claimed in a series of comparisons between (1) the efficiency of private operation and that of government operation, the Bell system and some of the government-owned systems of Europe being considered; (2) the cost per station of the Bell plants and the government-owned plants of several European countries; (3) the reasonableness of the rates of the Bell system and those of the government-owned systems of Europe; (4) the better wages paid on the Bell system than in the government-owned systems of Europe; (5) the tax payments of the Bell system and the exemptions of the government-owned plants; (6) the immediate service given by the Bell system involving operating facilities sufficent to care for rush hours and the deferred or "wait your turn" service which obtains in Great Britain and some other European countries where the service is government owned; (7) and finally the telegraph service of the Western Union, a company paying taxes, higher wages, covering longer distances, and on the other hand the service given in England where conditions "are most favorable" and where the telegraph is operated at an acknowledged deficit.

The report then takes up the question whether or not the post office is adapted to take over the telegraph and telephone business and handle it economically and efficiently. Attention is called to the reports of congressional and departmental committees showing "without exception" that the organization and administration of government enterprises have been extravagant, wasteful and inefficient. Moreover, it is claimed that the post office is not an organized operating entity such as is necessary to an industrial or commercial enterprise; its problems are "simplicity simplified" compared with the administration and development of the telephone and telegraph business.

In conclusion the report declares for government regulation by commissions of high standing, "the greatest protection to the public interests as against private exactions that was ever devised."

It must be said in concluding this review of these publications, that the contentions of the president of the American telephone and telegraph company are interesting but not conclusive. They might well be supplemented with a volume of statistics that would be of value, inasmuch as it is asserted that those in the government volume "have little or no real value." Nor are the contentions of Mr. Lewis in the third of the publications cited above in regard to the public-service motive, the operative efficiency and the benefits that would follow postalization fully met. The report of the post office department's committee may not be complete, and, indeed, there are some things which it seems to have failed to give due consideration, but their report cannot be deemed valueless. On the contrary their work has been fairly well performed and, supplemented as it is by the work of Mr. Lewis, is worthy of a wide public consideration in addition to that which it has received at the hands of the Bell companies.

Russell M. Story.[1]

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The Dayton (Ohio) Bureau of Municipal Research was organized in October, 1912, with the hope of affecting in some measure the character of local municipal government. During the first year of the bureau's work the constructive measures related primarily to the financial procedure of the city. The city council was urged with the necessity of limiting expenditures to the actual anticipated income, with the result that for the first time in six years the city did not operate on an average annual deficit of $60,000. In this connection the bureau prepared detailed budget forms and data and finally secured the consent of the finance commission to utilize them permanently. The mayor was also assisted in preparing his yearly budget, upon which the tax rate is based. Public hearings on the budget were inaugurated. A complete survey of the health department was made in coöperation with the board of health, which resulted in an entire reorganization of the health department. The results of this campaign and of the publicity which attended it are perhaps best reflected in part by the control of epidemics and the decreased mortality from infectious disease.

Of a negative character, reference may be made to influence on city expenditures; the successful activity to prevent the city entering into a ten year contract for refuse disposal which it was thought would be detrimental to public interest; prevention by publicity and personal activity of the purchase of fire apparatus at an expense of over $100,000, and which, aside from any question of motives, was generally conceded to be beyond the needs of the community; investigations which resulted in a higher standard of contractual street repair; and a number of studies of similar character made with the idea of preventing rather than being of a constructive nature.

During the campaign for the new charter the bureau furnished to the committee in charge available facts relating to inefficiency in the government during past periods, particularly those of a financial character. The bureau made no effort to secure disclosures relating to anything other than weakness of method, exorbitant prices paid for city supplies, failure to standardize salaries, inadequacy of budget methods, long term bonds for short term improvements, annual operating deficits, and facts of a similar nature. The whole purpose was to carry on a campaign based upon facts rather than vituperation and personalities. The bureau also assisted materially in the work of the charter commission, particularly in the drafting of those sections relating to administrative procedure.

Since January 1, 1914, work has been primarily of a constructive character. The bureau aided the city manager and the commission in their work of reorganization, particularly in the preparation of the budget which was drawn in accordance with the most recent methods. Through the coöperation of the official body, recent activity has been concerned in coöperating with the several departmental and division heads and assisting them in the installation of the purchasing department, standardizing supplies, standardizing salaries and grades, installation of an adequate accounting system, installation of cost records in the divisions of police, water, municipal garage, street cleaning, street repair, and rubbish and ash removal. Investigation is also being made of the pension fund, the sinking funds of the general and special assessment debt, and tax payments. On the educational side, surveys have been made of over-age and non-promotion, health and building construction, which are at present under consideration by the school authorities.

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[1] University of Illinois.

In connection with these activities, continuous publicity has been maintained through pamphlets, bulletins and the press, both locally and out-of-town, with a view to stimulating citizen interest in local government problems. The following pamphlets have been issued:

Organization of the bureau of municipal research. (Folder.)

Shall we change our form of government? (16 pp.)

Appropriation ordinance,—first half of year 1913. (30 pp.)

A plan to place the water works upon a self-sustaining basis.

Government by deficit. (3 Folders.)

Organization and administration of the department of health. (97 pp.)

Health bulletins. (8 Folders.)

Appropriation ordinance,—second half of year 1913. (30 pp.)

Reprint of the Dayton charter. (64 pp.)

Motor fire apparatus bids. (Folder.)

A complaint-suggestion bureau. (Folder.)

The city budget—1914. (42 pp.)

The city manager plan of government for Dayton. (8 pp.)

A charter primer. (24 pp.)

Some acid tests of city-manager government. (Folder.)

Survey of over-age and progress in the Dayton schools. (46 pp.)

Medical inspection in Dayton schools.

L. D. Upson.[1]

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New York Commissioners of Accounts' Report. The duties of the commissioners of accounts of the city of New York as defined in the charter are first, to examine the receipts and disbursements in the office of the comptroller and chamberlain, and second to make special examinations at the direction of the mayor or on the initiative of the commission.

This office, established soon after the revelations of the Tweed frauds as an additional check upon the city treasury, soon got in the proverbial rut and became little more than a white-washing bureau. That condition continued with but little interruption until the appointment of John Purroy Mitchel, New York's present mayor, as commissioner of accounts. For a time the office lived up to the ideals of its founders, but there have been indications of backsliding during the last year or two. We therefore looked forward with much interest to the publication of the report for the year 1913. An examination of its pages shows that the commission submitted 143 reports to the mayor during the year on various subjects. Having noted this fact, we naturally looked first for the results which were actually secured, and, next, to find how much each investigation cost.

In the movement for the standardization of reports now receiving attention throughout the country, these two points are considered essentials. Yet with respect to the first, this report contains merely a few pages of descriptive matter without even a summary of achievements and with respect to the second essential, the report is silent. Not one word is mentioned either of the total cost of the bureau's activities during the year or of any one of its undertakings. Municipal history is replete with investigations which have cost several times more than they were worth, and therefore we cannot refrain from pointing out to other reporting officers this omission of the commissioners of accounts report.

Herbert R. Sands.

* * *

Chicago's Educational Budget.—Report on the Budget of Educational Estimates and Expenditures, Board of Education, City of Chicago. Published by the Board of Education, City of Chicago,

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[1] Dayton, Ohio.

1914. One of the most interesting developments in the management of public institutions in America is the increased interest that is being shown in budget classification and budget accounting. At the request of the finance committee of the Chicago board of education, the efficiency division of the civil service commission of Chicago has prepared a report showing budget proposals in great detail, but so classified as to show the proposals for:

(1) Each organization unit and division in the school system;

(2) Each function, or class of work, or special activity in the school system;

(3) Each kind of expenditure as under standard analysis accounts.

The report is valuable to the student of political science because of the clearness with which the organization units are shown for the school system of a large city. The report is of interest to the student of governmental accounting because of the classification of standard accounts employed as under organization units, and as under the classification of functions and activities. Of course, the commission has not commented upon the organization reflected in the proposed classification, but the student of political science can arrive at some conception of the strength and weakness in the present organization of the school system of Chicago by a study of the classification of functions and activities given as under certain organization units. A student of governmental accounting will note with great pleasure the clearness with which the standard accounts employed are defined, even although he may criticise the classification together of the cost of new land, interest on debt, and pension payments (Summary 5, page 24); or the classification of repairs and replacements, and of construction and betterment, under the same general heading of "Structures and parts and non-structural improvements to land" (page 19).

The budget presented compares the departmental estimates for 1914 with the actual expenditures for the year 1913. It does not, however, indicate the increases or decreases of the estimates for 1914 as over against the expenditure for 1913; and it gives no comparison between the budget for 1913 and the proposed budget for 1914.

From the letter accompanying the report, it would seem that the report was prepared within a space of two months. Considering the great mass of detail handled and the short time allotted to its preparation, the report is a remarkable achievement. The request of the board of education for such a report, the existence of a public board capable of preparing it, the speed with which it was prepared, and the intelligent and forceful manner in which the report conveys a definite idea of the organization and functions of the school system,—these things are ample evidence that the finances of a great public institution, such as the school system of a large city, can be handled in a business-like way. The civil service commission of Chicago is to be congratulated on the character of the work, and the citizens of Chicago are to be congratulated on the opportunity that the report gives to them to form an intelligent opinion as to the financial management of the school system.

George E. Frazer.[1]

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The Fly. The federal bureaus of entomology of the United States and Canada, and many state departments of health, have issued special bulletins relating to the house fly, all of which have been of great value in pointing out the way for reducing the fly family, but possibly no better bulletin for general use by civic organizations engaged in the crusade against the fly has been issued than that of the Berkeley City Club (the issue of May, 18), of which is devoted entirely to the house fly under the subject of "House Fly Management." It is a discussion of the life-history of the domestic fly; its dangers and methods for its prevention, and in the treatment of the subject the contents are divided into four principal heads; first, the introduction; second, information; third, application; and fourth, legislation. The report contains an address by Prof. W. B. Herms, of the University of California, given before a mass meeting on the fly nuisance, held under the joint auspices of the city club and the housewives' league, at which other speakers were Dr. J. N. Force, Mrs. C. E. Miller, and Chief of Police Vollmer. In his introductory remarks, Doctor Herms speaks of the value of the clean-up campaign which has been gaining importance in all parts of the United States, and in which he says: "No community is too clean to participate in this movement." Dwelling upon the fact that we clean for the sake of health as well as for appearance, Doctor Herms emphasizes the importance of clearing away ugly environments, which, he says, produce unfit citizenship. "And," he says, "a community that does not include flies and mosquitoes in its clean-up program is working on a fifty per cent efficiency basis."

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[1] University of Illinois.

The three factors he mentions as important in the process of house fly elimination are: "(A) Information — an informed public is essential to an efficient health movement of any kind if the results are to be of lasting benefit. (B) Application—involving the actual doing of things simplified and made effective through information. (C) Legislation—or the creation of ordinances which can be enforced and then enforcing them without fear or favor. Let the ordinance strike at the root of the evil. If horse manure is responsible for the origin of ninety-five per cent of our flies and kitchen refuse, and other garbage gives us the other five per cent then let us place these nuisances under control."

The story of the life-history of the fly is much similar to other accounts of the same kind. It is well illustrated with enlarged pictures of the fly's head and foot and the eggs and larva. Accompanying the general statement are facts relating to the fly as carriers of disease. Doctor Herms says that the house fly can be controlled without question, and that it is demonstrated by the scarcity of flies in localities where cleanliness about stables and houses prevails throughout a number of adjoining city blocks. Under the discussion of stable surroundings, the pamphlet is made valuable by a description of model concrete stable floors and model manure bins. In the treatment of manure with a view to killing the eggs and larva of flies, Doctor Herms suggests a number of prescriptions of chemical compositions that may be sprinkled over the manure without doing damage to its fertilizing efficiency.

But it is under the subject of legislation and ordinances that the Berkeley bulletin is particularly valuable. Ordinances of the city of Berkeley are cited as effective agencies for holding down the increase in flies. Doctor Herms would have ordinances so effective that provision would be made for the daily collection of the manure. A suggested ordinance by Dr. J. N. Force of the Berkeley board of health would require that no manure shall be used for fertilizing purposes within the city limits, which has not been rendered free from live maggots or fly pupae by treating with saturating quantities of water at a temperature of 190 degrees.

Altogether the house fly bulletin of the Berkeley city club is a most valuable contribution to the subject, and one that will be helpful to any organization or individual anxious to proceed in an intelligent and effective manner against the fly.[1]

Richard B. Watrous.

Washington, D. C.

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A Report on Municipal and Government Ice Plants in the United States and Other Countries. Prepared by Jeanie Wells Wentworth.

This report, submitted to the president of the Borough of Manhattan, New York City, includes a study of several ice plants owned and operated by the United States government in public buildings at Washington, Panama and the Philippines; municipal plants in England, Germany, and Italy; the single municipal plant discovered in the United States, at Weatherford, Okla.; and several proposed municipal plants in this country.

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*[1] Published by the city club of Berkeley. J. R. Douglas, Secretary, 205 Berkeley National Bank Building, Berkeley, Cal. Price 10 cents.

In the public markets generally throughout Europe, refrigerating plants have been installed; but these do not appear to sell ice to the general public. There are, however, municipal plants furnishing ice to the public at Bolton and Wolverhampton, in England, at Stiglitz (in Berlin), Germany, and in twenty-eight Italian municipalities, the largest of which is at Reggio Emilia. The general conclusion of the report is that the publicly owned plants show a substantial saving in the cost for government use, and a great reduction in prices where the ice is sold to the public, as well as a substantial profit on the investment. But it should be noted that the statistical data do not always include interest and depreciation charges; and there seems to be need for a more careful analysis of the information presented.

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New York City Board of Inebriety.—In 1911, under authority of an act of 1910, there was established in New York City a board of inebriety to establish and maintain a hospital and industrial colony for inebriates. The board consists of seven members, five unpaid members appointed by the mayor with the commissioners of charities and corrections *ex-officio*. Two of the members must be physicians; and certain charitable organizations are authorized to present a list of persons from which appointments may be made. Two of the members appointed are clergymen.

The first annual report of this board for the year 1913 describes the situation and purchase of a site of 750 acres in Orange county, and the plans for buildings, which are to be on the cottage system. There is also included a report on the agricultural development of the property. As soon as the necessary buildings are erected, the colony will be inaugurated.

This is the first municipal institution for the care and treatment of inebriates. Massachusetts has a state institution for this purpose; Pennsylvania has established a commission to organize a similar institution; and Connecticut and Minnesota have passed laws on the subject.

⁂

Criminal Courts in New York City.—The committee on courts of the City Club of New York, consisting of Gordon Ireland, chairman, Clarence M. Lewis, secretary, Albert S. Bard, Abraham Benedict, Bertram L. Fletcher, Henry A. Forster, James A. Hatch, and Paul C. Wolff, has prepared a "Digest of Reported Decisions and Session Laws, with a brief report concerning the substance and administration of criminal justice in the city of New York." This report was prepared by the committee for the citizens' committee appointed at the mass meeting in Cooper Union on August 14, 1912, with a view to ascertaining the general condition of the administration of criminal justice in the city of New York and making such recommendations for reforming criminal practice as would be based upon such an investigation. The committee recommends "as important beginnings in the reforms immediately and universally required in criminal practice and procedure in New York" the following:

(1) The giving of a broad right of appeal to the people.

(2) A radical revision and scientific treatment of the whole law relating to perjury with a view to making convictions more common.

(3) Active support for and all possible effort towards additional strength of administration and the exercise of judicial discretion and presiding power in all courts.[1]

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Chicago House of Correction.—Under date of March 30, 1914, the Chicago Civil Service Commission submitted a report of the efficiency division on the organization and management of the house of correction, including the use of prison labor. Like other reports by this agency, this report shows the result of an intensive investigation, and presents a numerous list of findings and recommendations.

[1] From Julius H. Cohen.

Among the conclusions may be noted criticism of the dual authority of the superintendent and board of inspectors, of the contract labor system and of a general lack of business management. It is recommended that the responsibility for the management be placed definitely on one official, that the system of contract labor be abolished, and that a number of existing industries be extended and certain new industries be established to furnish commodities and services for for municipal use.

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Mayor's Address, Springfield, Massachusetts.—The second address of Mayor John A. Denison of Springfield, Massachusetts (January 5, 1914), gives special attention to the city finances and water rates. The city is stated to be within $253,795 of the limit of bonded indebtedness; and a reduction of water rates is urged. An interesting paragraph, which has attracted attention in other places, calls on the local newspapers to give more attention to the work of the municipal government, and to assign more experienced reporters to this field, so that the public can be better informed of what is being done. A more intelligent public interest in municipal affairs can undoubtedly be secured, by fuller and more accurate newspaper statements of the municipal problems and their treatment. If the newspapers do not perform this function through their own staff, may it not become advisable for the city officials to employ a competent person to prepare "stories" on municipal matters for the press?

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PROCEEDINGS OF THE NATIONAL CIVIL SERVICE REFORM LEAGUE, held at Boston, Massachusetts, December 11 and 12, 1913.

This report of the Boston meeting of the National civil service reform league includes two papers relating to municipal government: one by H. S. Gilbertson, on the city manager plan—its contribution to the growth of a non-political and efficient personnel in municipal administration; and one by Lewis H. Van Dusen, on the choice of municipal experts through competitive examinations in Philadelphia.

PUBLICATIONS OF THE NATIONAL HEALTH INSURANCE COMMISSION (England).

The administration of the English national insurance acts has called for the issue of a large number of pamphlets and leaflets by the national health insurance commission. A list of these publications, revised to January 31, 1914, forms a pamphlet of fifteen pages. Among the publications may be noted one giving the text of the insurance acts, and explanatory leaflets on voluntary contributors, approved societies, benefits, and outworkers.

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NEW YORK WOMEN'S MUNICIPAL LEAGUE. The latest report of the Women's Municipal League of New York City shows not only a considerable increase in membership but also a wholesome policy which is turning the attention of the league to a careful study of the conditions in the city that are affecting citizenship, and which is therefore preparing it for definite constructive work. During the course of the year it has been giving its attention to the problems of deficient and defective children, specially administering a fund for the purpose of determining the causes of mental and moral deficiency; it has been studying the problems of housing, employment, probation, and recreation. The league has entered aggressively into the fight to preserve the integrity of Riverside drive, to secure a house of detention, and an improvement in the workhouse situation; and it was instrumental in bringing about a federation among twelve organizations interested in assisting young women which has resulted in raising the efficiency of all of them by directing the efforts of each in distinct fields and thereby avoiding wasteful duplication.[1]

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REPORT OF COMMITTEE ON LOCAL TAXATION. — The British government printers issued recently the final report of the departmental committee on local taxation in England and Wales, which inquired into the changes which have occurred in the relations between imperial and local taxation since the report of the royal commission on local taxation, in 1901; and examined the several proposals made in the reports of that commission, and recommended the introduction of a very considerable amount of legislation at an early date. The recommendations of the committee would afford relief to local authorities to the extent of £4,700,000.

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[1] Murray Gross.

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English Housing Reports. An unusually interesting *housing and town planning conference and exhibition* were held in Liverpool in March. Special attention was given to the subject of streets, whose width and arrangement affect so vitally both the business and the residence sections of a community. Garden suburbs, municipal housing, co-partnership housing and progress in Germany and America furnished the subjects of discussion at the sessions which extended over several days. The proceedings of the conference have been published and may be obtained from the *Town Planning Review*, Liberty Buildings, Liverpool.

The British local government board this year for the first time, in recognition of the growing interest in housing, issued separately Part II of its annual report dealing with *housing and town* planning. This part of the report thus became available much earlier than in previous years and the fact that it is not bound in a cumbersome volume makes it much more usable. It contains valuable statistical and other tables and a most encouraging account of the progress made during the past twelvemonth.

⁂

"Trading" and Rates.—James Carter, borough treasurer of Preston, compiles annually tables that present the rates levied in some of the towns. This is a service that ought to be rendered to the public by a state department. Mr. Carter's figures furnish striking proof of the advance in the rates in all parts of the country. Further, the tables illustrate clearly the profits derived from municipal enterprise.

JUDICIAL DECISIONS

Involuntary Highway Extension.—The rights of the public in an extension of a highway were confirmed by the New York supreme court in *City of New Rochelle* vs. *New Rochelle Coal & Lumber Company.*[1] The company had built a dock at the foot of a highway and claimed exclusive rights to its use. The court held, however, that the public easement in the use of the highway extended across the newly made land to the water's edge. That the extension of the land of itself operated to extend the highway.

⁂

Notice of Personal Injury.—Charter provisions and statutes limiting municipal liability for personal injuries and prescribing a period within which such claims must be filed are of frequent occurrence. Such provisions, while a useful protection to the municipality, are sometimes the cause of hardship and are not always strictly construed by the courts. An instance of the reluctance of the courts to hold too strictly to the letter of the law is the decision of the New York supreme court in *Murphy* vs. *Village of Ft. Edward.*[2] In the face of a village law prescribing the filing of a verified statement of the nature of a claim for damages for personal injuries giving the time and place of the injury, within sixty days after the accrual of the cause of action, the court held that a child five years old is not prevented from maintaining such an action by its failure and the failure of its father or mother to file the prescribed notice.

⁂

Reducing Village Area.—The statute of limitations is held by the supreme court of Nebraska in *MacGowan et al.* vs. *Village of Gibbon* [3] inapplicable to the right of the owners of unoccupied territory within a village to petition for its detachment therefrom; the statute giving them the right

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[1] 144 N. Y. S. 852.

[2] 144 N. Y. S. 451.

[3] 144 N. W. R. 808.

"whenever" they shall desire to have the territory disconnected. Passing on a rather harder question presented in the same case, the court found that the fact that the owner of the territory sought to be disconnected had signed a petition, as such owner, to hold an election to vote municipal bonds did not estop him from asserting his statutory right to have such territory disconnected from the village.

⁂

Necessity of a Bond.—Sioux City escaped liability for unlawful injury inflicted on a private citizen by a member of its police force by the decision of the supreme court of Iowa in *Looney* vs. *City of Sioux City*.[1] The superintendent of the police department had failed to require the usual bond before assigning an officer to duty. In the view of the court this was an omission to perform a governmental function. The officer was not qualified to act and the city was therefore not liable for his actions. It accordingly becomes advisable for a person about to be "beaten up" by an Iowa policeman, and who hopes to hold the city employing him responsible for his unlawful actions, to verify his references and see that his bond is regular before allowing him to proceed with the operation.

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Municipal Regulation of Navigation.—Chicago undertakes by ordinance to regulate the speed of vessels when passing any bridge in the Chicago river and also requires the use of tugs by any vessel of over twelve hundred tons gross burden when moving through or between bridges in certain parts of the river. The Canada Atlantic Transit Company et al. attacked the ordinance as an interference with the rights of navigation and of interstate commerce, which is beyond municipal jurisdiction. The circuit court of appeals held [2] that in the absence of any legislation on the subject by congress, regulation by the municipality to that extent is competent, subject, of course, to such regulations as congress may hereafter prescribe.

Civil Service and Salary Control.—Under charter provisions the city of New York can only pay a claim for salary as a member of the classified civil service on a pay roll from a department of the city government authenticated by it and certified to by the civil service commissioner as provided by the civil service law. The New York supreme court in *Allen* vs. *City of New York* [3] refused to countenance an action by an employee for an increased salary, the civil service commission having refused to recognise the increase as valid, on the ground that the propriety of the action of the commission could not be reviewed in an action against the city.

⁂

Town's Liability for Prisoner's Death.—The liability of a town for damages on account of the death of an intoxicated person while in the lockup in the municipal building caused by the burning of the building was sought to be established in *Nichols* vs. *Town of Fountain*.[4] The supreme court of North Carolina, however, refused to hold the town liable, even though it employed no guard or watchman for the lockup, on the showing that it had properly constructed and furnished the prison and exercised ordinary care in providing for the prisoner, it having but one peace officer; and held that it was not responsible for the negligence of its officers in caring for him.

⁂

Elevated Railway Regulation.—The supreme court of Illinois has recently held, in the case of *Metropolitan West Side Electric Railway Company* vs. *City of Chicago*,[5] that an elevated railway traversing the city streets is not a street railway within the purview of the cities and villages act authorizing municipalities to regulate hackmen and other carriers using the streets and to fix their compensation. The court distinguished the elevated service from that of the surface cars and hackmen on the ground that the former have regular stations for reception and discharge of passengers, and do not stop at any point as is customary with the latter.

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[1] 145 N. W. R. 287.

[2] 210 F R. 7.

[3] 145 N. Y. S. 1022.

[4] 80 S. E. R. 1059.

104 N. E. R. 165.

Piecemeal Charter Revision.—The Verdier act relating to the powers of municipalities was upheld by the supreme court of Michigan in *Attorney-General ex rel Barbour et al.* vs. *Lindsay et al.*[1] The act gives the cities a large measure of home rule, grants them the right to amend their charters piecemeal and makes the debt limit for general municipal purposes eight per cent of the appraised valuation, but authorizes an increase of two per cent in the limit for the purpose of acquiring any or all public utilities. Thus making the total legal debt limit ten per cent. The latter two per cent and the purpose for which it is authorized doubtless largely explains the formidable fight made on the act. The law is intended to, and doubtless will, facilitate the undertaking of various enterprises by the cities of the state.

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Junk Shop and Legislative Power.—The extent to which a city council may lawfully delegate its power is sometimes a difficult one. In *City of Milwaukee* vs. *Ruplinger*,[2] the Wisconsin supreme court held that an ordinance providing that no junk shop be kept without a license and that applications for licenses should be made to the mayor to whom the power was given to grant or refuse them as he thought best for the good order of the city, was not invalid as an unauthorized delegation of legislative power. The ordinance being complete in itself, and merely delegating to the mayor as a city official the right to decide among the applicants the persons who come within its terms did not exceed the power of the council in regard to delegating its functions.

Taxation of Municipal Enterprises.—The supreme court of appeals of Virginia, in *Commonwealth* vs. *City of Richmond*,[3] has recently handed down a decision of peculiar interest at this time in view of the many cities now engaged in furnishing public utility service of one sort or another to their citizens. The state authorities undertook to enforce the payment of taxes by the city on its revenue producing utilities, such as the auditorium, market houses, water works and gas works. The case was ably argued and the opinion of the court in which the position of Richmond is fully sustained, that the utilities above mentioned are not subject to state taxation, is one which should be very persuasive as a precedent in other states. The exemption from taxation of such utilities, however, while no doubt sound law and sound public policy, does tend to some extent to confuse the situation in regard to the relative cost of municipally owned and privately owned utilities. The difference to the community in the amount of taxes collected from the private concerns as contrasted with no taxes from the publicly owned ones ought to be taken into consideration in computing the advantages or otherwise of municipal and private ownership. This consideration is sometimes over-looked in such comparisons. And the figures given out as to the relative advantages of the two methods of furnishing municipal necessaries are to that extent sometimes misleading.

Charles D. Mahaffie.[4]

BOOK REVIEWS

Public Opinion and Popular Government. By A. Lawrence Lowell. Longmans, Green & Co. 1913.

This is a welcome volume because it plunges into the philosophy of the relation between the people and their government, a field of study and analysis that has long been underworked. In fact in this field there can hardly be said to be as yet any political science worthy of the name or enough political scientists prepared to debate in it to form a decent school. So far as the public is concerned, it is still *lese majeste* even to venture to suggest that public opinion is clumsy and hampered by myriad inherent disabilities. How we short ballot advocates have had to prune our paragraphs to avoid saying too pointedly that the people cannot choose fifty officers on one day, and similar uncomplimentary implications!

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[1] 145 N. W. R. 98.

[2] 145 N. W. R. 42.

[3] 81 S. E. R. 69.

[4] Portland, Oregon.

But here comes Mr. Lowell quite unconcerned as to how the people of the United States may like the cold truth and utterly unafraid of stepping on the toes of hotheaded pleaders for various specific remedies, and, curiously enough, his analysis being so passionless, he must, I think, leave those who suffer under his microscope passionless also.

Public opinion seems to the layman like a simple easy thing, but this author unreeves it like a cable into strands and ravels out each strand to the uttermost threads of hemp and displays it as a thing of marvelous complexity and infinite detail. There are fifty pages of that and many a page flashes a mere passing searchlight on depths that would bear elaboration into whole volumes by themselves. Such a phrase as "an election does not always express public opinion" opens up the kind of discussion and analysis that we much need and we have need of more men in political science who will find joy in developing the evidence on such a point.

When Mr. Lowell's passionless white light comes to the initiative and referendum, very interesting values and limitations are disclosed with net results that will tickle neither side overmuch. Happily, Mr. Lowell does not turn his light upon the current arguments nursed in childish faith by the proponents (and the opponents, too) of these devices or there would have been rare fun!

There is mighty good pioneer thinking, for instance, in the paragraphs dealing with "representation by sample," the trustworthiness of the results of referenda as really expressing a public opinion and the difficulty of foretelling whether a public opinion will be formed in a given case. Many of the considerations which he brings up are obviously important and yet entirely novel.

The very fact that the book traverses so much virgin territory makes it strikingly incomplete. He practically ignores, for instance, the political machine as distinguished from the political party and he makes little note of the part which the element of the mere bigness of the electorate may play in determining the relative efficiency of democratic instruments.

The author evidently knows the pitfalls which await the man who, to complete and illustrate his recommendations, generously volunteers to erect an imaginary structure to accord therewith. He makes plain the need of a short ballot but refrains from calling for it in positive terms. He ends the book by indicating the need of the city-manager principle, yet the idea is not specifically mentioned.

Richard S. Childs.

New York.

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Immigration: A World Movement and Its American Significance. By Henry Pratt Fairchild. New York: Macmillan Co., xi +455 pp.[1]

Professor Fairchild has rendered a service to the student of immigration by having compiled in one handy volume the main facts and opinions scattered in the vast restrictionist literature. His original contribution deals with the relation of immigration to industrial crises, on pp. 348–361, in which he has developed the idea suggested by Professor Commons, viz. that immigration "joins with other causes to stimulate the feverish overproduction, with its inevitable collapse, that has characterized the industry of America more than that of any other country." Professor Fairchild has adduced no data, however, to demonstrate Professor Commons' bald assertion that the crises in the United States have been more intense, in proportion, than in other industrial countries. His argument in support of Professor Commons' theory that "immigration intensifies" the "cycle of booms and depressions" is purely speculative.

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[1] National Municipal Review, Vol. II, page 757.

The mental attitude of the author is strikingly shown in his readiness to excuse rough handling of the incoming immigrants by United States immigration officials. He admits that "physical force . . . is frequently employed to push an immigrant in one direction, or hold him back from another" and says that this is "necessary," because the facilities of Ellis Island provide for the handling of five thousand immigrants per day, whereas on some days the number of arrivals reached fifteen thousand. "The bustle, confusion, rush, and size of Ellis Island complete the work, and leave the average alien in a state of stupor and bewilderment. He is in no condition to understand or appreciate a carefully worded explanation of what he must do, or why he must do it, even if the inspector has time to give it. The one suggestion which is immediately comprehensible to him is a pull or a push; if this is not administered with actual violence there is no unkindness in it. . . . It would be a remarkable man, indeed, who could deal with a steady stream of foreigners, stolid and unresponsive to begin with, and reduced to such a pitch of stupor, day after day, without occasionally losing his patience" (p. 188).

And yet such "remarkable men" are not scarce in Coney Island, where a great many more than fifteen thousand persons, mostly immigrants, are accommodated every Sunday during the summer months. An usher in a cheap show who would lose his patience with a foreign speaking patron would very soon be separated from his job. Doubtless the United States has the legal authority to terminate all her commercial treaties with foreign nations and to enact a law barring all forcigners except Anglo-Saxon noblemen who have declared their intention to become sons-in-law of American captains of industry. But so long as the United States admits thousands of immigrants per day, it would seem there is room for the opinion that they are entitled to courteous treatment. If the number of inspectors is insufficient, the force might be increased. The steamship companies could easily be instructed to have the incoming immigrants divided into language groups, each to be dealt with upon landing by immigration officials speaking their language. The head tax levied by the United States government upon every immigrant is yielding a surplus to the treasury; if that surplus is insufficient and it is thought that the incoming immigrants alone should bear the cost of inspection, though it aims primarily at the protection of those already here,—then the head tax ought to be increased, so as to enable the United States government to employ a sufficient number of competent officials who would handle the immigrants as an ordinary American business man would treat his customers.

Professor Fairchild's bias against immigration leads him to accept without questioning any statement unfavorable to the immigrants. He says, *e. g.*, that "the Jews in Russia are engaged primarily in the two businesses of lending money, and selling liquor" (p. 140). If he had taken the trouble to consult United States Bureau of Labor Bulletin number 72, he could have ascertained that, according to the last Russian census (1897), the number of Jewish hotel and restaurant keepers, persons engaged in the production of and dealers in spirituous liquors was 26,728, and the total number of persons living on income from capital was 58,420, in a total of 1,530,307 persons engaged in gainful occupations, and that all persons engaged in commercial pursuits aggregated only 31.6 per cent of the total number of breadwinners (pp. 498–500).

In justice to the author, however, it must be said that in most cases he gives both sides of the question, leaving it to the reader to reconcile the contradictory views.

The author shares the popular belief that "a very large part of our present immigration is . . . artificial and stimulated" or "induced" (pp. 148, 161). He thinks that "one of the greatest motives back of immigration is the desire of the transportation companies to make money" (p. 396). There is "an immense army" of steamship agents continually working the field (p. 149). "A skillful agent can induce almost any number of the simple and credulous peasants of a backward European country to emigrate, who had scarcely such an idea in their heads before" (pp. 148–149). Still it is no longer so, since "a better knowledge of actual conditions in America . . . now prevails in most European countries," which "precludes the continued circulation" of fictitious "stories of the richness of America and the ease of life there" (p. 150). "America has become a household word even to the remote corners of Europe. . . . It is amazing to find how much an ignorant Greek peasant knows about conditions in America" (p. 160).

Though the author believes that "the advantages of the economic life in the United States all too frequently exist, not in fact but in the mind of the prospective immigrant" (pp. 148–149), yet, "in fact, if there were not real advantages in the United States," the steamship agents "would not be able" to sell tickets to prospective emigrants (p. 150). The fact is that in those countries which today furnish the bulk of the immigrants the "economic situation is still so inferior to the United States, that an ample motive for emigration exists" (p. 143). On the whole, "for the immigrant there is an undoubted net margin of advantage on the average" (p. 431).

What is "recognized by all authorities as probably the most powerful single factor in stirring up emigration from such countries as Italy, Austria-Hungary, Greece, Bulgaria, etc." (p. 157) is very accurately summarized by the author in the following paragraph:

> Every stream of immigration must have its origin in some few individuals, who, the first of their region, break the ties of home and fatherland, and go to seek their fortune in a new and far-away land. Upon their success depends the question whether others from the same district shall follow in their footsteps. If they fail in their venture, it serves as a discouraging factor as respects further emigration from that region. But if they succeed, and win a position which makes them envied in the eyes of their fellow-countrymen, it furnishes a powerful stimulus to further emigration. Sooner or later, there will be some who succeed from every region, and the example of a few successful ones is likely to far outweigh numerous failures. Something like this is going on in countless remote districts of the South European countries, and has gone on for decades in every country which has sent us numbers of immigrants (p. 155).

"This is a perfectly natural influence and obviously beyond the power of any legislation to check" (p. 157).

As customary, the author draws an invidious distinction between the "backward" races of the new immigration and the hopeful immigrants of yore. Still, we learn that "many of the stock arguments against immigration on the grounds of pauperism, criminality and inability for self-support developed during this (the colonial) period" (p. 41). In the first half of the eighteenth century "the desire to reduce the number of immigrants" to Pennsylvania suggested the argument "that whereas the German importations were at first of good class, people of substance, now they were the refuse of the country" (p. 44). "Very many of the immigrants" of that time belonged to the type "of people so deficient in moral and physical stamina as to promise nothing, save an additional burden on the . . . resources of the community"; "many others who were relatively well off economically on leaving home arrived penniless" and "were reduced to house-to-house beggary" (p. 40). In 1729 a head tax of two pounds was imposed upon immigrants to Pennsylvania, "to discourage the great importation and coming in of foreigners and of lewd, idle and ill-affected persons into this province" (p. 42).

We further learn that in 1727 the colonial governor of Pennsylvania expressed the fear "that the peace and security of the province was endangered by so many foreigners coming in, ignorant of the language and making, as it were, a separate people" (p. 41–42). Still the author thinks that during the colonial period, "assimilation was easy, quick and complete," and while "every language of Europe could be found in Pennsylvania, this diversity was short-lived" (p. 51). But a century later, in 1835, "the dangers of a heterogeneous population, of poor assimilation . . . and the growth of foreign colonies," are related in "a very sane, calm and convincing article" (p. 69). This was the period, when the immigrants were mainly Germans and Irish. "Both of these races were closely allied to the American people and easily assimilated" (p. 88). But the "decided clannishness of the Germans," which was manifested in the existence of "many German societies and newspapers" (p. 72), aroused at the time a strong nativist sentiment against German immigration.

Another distinctive feature of the old immigration was that its motives were largely religious and political, whereas, "the religious and political motives [have] almost wholly disappeared in favor of the economic in modern immigration" (p. 378). A notable exception, however, are the Russian Jews (p. 390), in whose case religious persecution manifests itself "in various disadvantages, imposed on other interests of life, but which are primarily due to religious causes" (p. 8). They "come to this country to escape intolerable conditions on the other side, not merely for the sake of economic betterment. They prefer to endure anything in this country, rather than to return to their old home" (p. 361).

The author firmly believes that the new immigration has lowered the standard of living of the workers in the United States, and he predicts that "as long as we continue to draw our immigrants from more and more backward and undeveloped nations and races we may expect to see a progressive degradation in the customary standard of the working people" (p. 250). Still, "in general, the conclusion of investigators in regard to the food of our working classes seems to be" that the expenditure of the immigrants for food is "adequate" and that, as regards the proper "balance between the essential food elements," probably, "the immigrants fare better than the natives of the same class" (p. 256).

"As regards physical adequacy of clothing, the immigrant is probably as well off on the average as his native fellow-worker." There is even "a recognized danger" that the immigrant women's "desire for a fashionable appearance . . . may lead to an extreme of dress" beyond the family income (p. 257). Might not this disproportion stimulate a desire on the part of the men to increase the family income?

"In respect to cleanliness and even decency, there is frequently room for improvement among the immigrants, just as there is among the native born" (p. 257).

These facts would seem to contradict the opinion that the immigrants' standard of living in the United States is lower than that of the native worker "of the same class."

Nevertheless, the alleged lower standard of living of the immigrant "has undoubtedly been . . . instrumental in reducing the average wage of the American workman" (p. 303). And, "if immigration has not absolutely lowered the wages and the standard of living of the American workman, it certainly has kept them from rising to the level that they otherwise would have reached" (p. 309). But, on the other hand,

> "this question, like many others of its class, involves the problem of determining what would have happened if history had been different in some single particular. It is a most perilous, and often profitless, field to enter. It is apparently impossible for statisticians to determine with certainty what has been the course of real wages within the past half century or so. There is no doubt that money wages have gone up. There is also no doubt that the average price of commodities has gone up. The question is whether average prices or average wages have gone up the faster. The most reliable tables covering this subject are probably those of the bureau of labor, and these have been discontinued since 1907. As far as the showing which they make can be depended upon, it seems to indicate that there has been a very slight rise in the purchasing

> power of full-time weekly wages since 1890. Granting this, the question still remains, would not the American workman have enjoyed a much greater increase in real wages during this period, if he had been allowed to reap the full advantage of his economic position in the country, without having to meet the competition of vast numbers of foreign laborers? The answer to this question must rest upon pure theory, as its statistical proof would involve a re-enactment of past history, which is a manifest impossibility (pp. 301–302).

In other words, the search after evidence in support of the claim that immigration has reduced the wages of the American workman has failed; on the contrary, it appears that real wages have somewhat risen. There remains nothing but to retire to the realm of "pure theory" and to reflect upon "what would have happened," however "profitless" and even "perilous" this pursuit might be. One who would indulge in it must meet the conclusion reached by some investigators (including the experts of the immigration commission), that immigration has raised the native and older immigrant workers to a higher place on the scale of occupations. Professor Fairchild, however, finds it "hard to see how anyone can seriously hold this opinion. . . . The question is, are there as many native workmen in high positions as there would have been in all positions if there had been no immigration?" (p. 308) And it appears to him "much more reasonable to believe that while a few native workers have been forced up, a vastly larger number are working side by side with the immigrants and earning approximately the same wages" (p. 308). That this belief is unfounded, however, "is attested by the uniformly superior earnings received by the native born as compared with the foreign born, or the old immigrant as compared with the new" (p. 343).

The shifting of the source of the immigrant labor supply from northern and western to southern and eastern Europe is commonly cited as evidence of "altered conditions in the United States which make it less attractive to the residents of the more advanced nations of Europe than formerly" (p. 143). And the cause is assumed to be "that when the representatives of more backward countries, representing a lower standard of living and of industrial demands have once begun to come, the members of more advanced races cease coming" (p. 133).

"The immigrant from England, Ireland, Germany, or Sweden no longer finds his lot so much easier here than at home," because "the United States has now its own problems of congestion, pauperism, and competition of labor" (p. 133).

This explanation implies that the condition of labor in the United States must have grown worse—not merely relatively, but absolutely—than in the eighties of the past century, when immigration from those countries was at its height. Yet, as stated, the author himself shows that the real wages in the United States have somewhat increased since that period. If we go as far back as 1835, we find that "the dangers of pauperism" and "congestion in cities" were "well set forth," in what Professor Fairchild considers a "convincing article," among "the disadvantages of immigration" of that early day (p. 69). So it does not appear that conditions in this respect have deteriorated in the United States. On the other hand, it must be borne in mind that in the forties and fifties the Germans "left their home primarily for political reasons" and the Irish "emigrated because of economic disaster" (p. 88), both of which causes have since disappeared. So, if we consider that, "the home ties are very strong" with man and "that the cause of a migratory movement must be a powerful one" (p. 4), the decline of Irish and German immigration will at least in part be accounted for. If the author had turned his attention to the economic development of northern and western Europe, he could not have failed to observe the vast improvement of the condition of labor in those countries. Moreover a portion of the earlier immigration from Germany and the Scandinavian countries was directed toward the agricultural sections of the northwest.

But "as the amount of unappropriated and unsettled land diminishes, the need of new settlers also diminishes" (p. 370). And within the past thirty years "the United States has changed from an agricultural to a manufacturing and commercial nation" (p. 373). It is, therefore, obvious that the decline of immigration from northern and western Europe is due to other causes than immigration from southern and eastern Europe.

In fact, however, it is not only immigration from southern and eastern Europe that is undesirable, but the United States could have dispensed with all immigration in the past: "the imposing weight of authoritative opinion" (p. 216) holds with Gen. Francis A. Walker that immigration has not increased the population of the United States, but has merely substituted foreign for native stock. To be sure, all the "authorities" relied upon by Professor Fairchild merely quote General Walker; so unless the accuracy of a scientific proposition is determined by the number of persons voting for it, the authority of General Walker's endorsers must be dismissed. Moreover, "the proposition . . . is absolutely incapable of mathematical proof" (p. 342). On the other hand, the author is evidently unfamiliar with the later studies of Professor Willcox, which have completely disproved General Walker's theory.

Is there at present, however, any "real need of further immigrants" for the United States? The author believes that there is not (p. 431). He cannot see how there could be any shortage of labor "in a nation, the majority of whose citizens are healthy and intelligent" (p. 344). Still, "there is no doubt that at present a large portion of our industry—possibly the greater part—is closely dependent upon a foreign labor supply, and that a sudden cessation of immigration would check the expansion of those industries. . . . It seems wholly probable that the development of the country would be retarded for a time if the immigration current was stopped" (pp. 391, 392).

What then shall be the immigration policy of the United States henceforth?

> The fact—if such it be—that immigration in the past has worked no injury to the nation, and has resulted in good to the immigrants, by no means indicates that a continuance of past policy and practice in the matter will entail no serious evil consequences, nor bring about disaster in the future (p. 380).

Immigration being "a part . . . of the dispersion of the human race over the surface of the earth" (p. 1), it would follow that if it is to be checked, though past experience does not justify any apprehension, the burden of proof is on the restrictionists to show that immigration is likely to "bring about disaster." We are told, however, that "only a prophetic vision could state with assurance what those results would be" (p. 432). Since the "evil effects" of immigration are "to be developed mainly in the future rather than existent at the present time" (p. 431), would it not be wiser to leave the regulation of immigration to the future, rather than to tinker with it at present, so long as its evil effects are non-existent except, perchance, in the mind of a prophet?

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The Problem of Immigration in Massachusetts: Report of the Commission on Immigration. 1914.

In the spring of 1913 the state of Massachusetts, through its governor, appointed a commission on immigration, the duty of which was to "make a full investigation of the status and general condition of immigrants within the commonwealth." The volume in hand embodies the report. Compared with the ordinary commission report it presents several remarkable features. Not the least surprising of these is the statement that of the $15,000 appropriated for the work of the commission $2,500 remains unspent. Much more important is the critical, analytical, and descriptive character of the discussion, in contrast to the mere presentation of masses of undigested facts and opinions typical of so many official documents.

The key-note of this report is social responsibility. The lesson to be drawn from every page is that the commonwealth of Massachusetts must awaken to the necessity of devoting thoughtful and purposeful attention to the life and activities of her alien population, not alone for the welfare of the immigrants themselves, but for her own future safety and stability. In the past it appears that Massachusetts has shared the tacit faith of the rest of the nation that if our immigrants are selected with sufficient care, no further consideration need be given to them, but by some beneficent unseen force their lives will be overruled to promote their own happiness, and the progress and prosperity of this nation. Two or three of the more enlightened states have already abandoned this short-sighted policy, and established agencies for the official care and protection of the alien. The commission makes it emphatically plain that Massachusetts cannot afford to remain inert and indifferent.

The commission, in its search for the facts of immigrant life, has followed the alien into his home, his school, and his place of work, in short, into almost every department of his life in society. All sorts of sources of information have been utilized, and many personal history schedules were compiled. The chapters of the report give a series of pictures—so vivid that one is tempted to call them moving pictures—of the lives of the foreign residents of the state. In all too many cases these pictures reveal conditions of degradation, exploitation, oppression, hardship and meager opportunity which no enlightened state can contemplate calmly. The general conclusions harmonize closely with those of the federal immigration commission. But the deductions which follow from these conclusions are much more positively stated, and the recommendations are more complete and carefully worked out than those of the federal commission.

These recommendations are presented in the first part of the volume, and include a long list of specific propositions, designed to secure improvements in the education of the immigrants, both adults and minors, in their naturalization, distribution, agricultural opportunities, housing conditions, physical and moral well-being, and civil and economic rights. It is impossible to present a summary of these recommendations. No person who desires to grasp the real significance of the immigration situation in this country can afford to forego a careful study of this enlightening report.

Henry Pratt Fairchild.
Yale University.

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Prostitution in Europe. By Abraham Flexner. Introduction by John D. Rockefeller, Jr. New York: The Century Co. 1914.

The conclusions reached by Abraham Flexner in his study of prostitution in Europe are particularly significant in view of the fact that he entered upon his investigations with an unprejudiced mind. This is vouched for by Mr. Rockefeller himself, as head of the Bureau of Social Hygiene, for which this study was made: "Mr. Flexner had no previous opinion to sustain; he was given no thesis to prove or disprove." Had he been a regulationist or abolitionist, a moralist or a prohibitionist, a philanthropist or a labor agitator, his observations would bear the imprint of his preconceptions. The reader is impressed by the impartiality of his examination into European conditions with regard to the social evil. That is the first recommendation to be offered.

In the second place, this volume is comprehensive in scope. It deals with the nature of modern prostitution as compared with earlier phenomena; factors affecting both supply and demand; why regulation has been attempted and how it operates; the comparative control of the evil by regulatory or abolitionist methods; the standards set in sex relations by European public opinion; the extent of sex education in the schools; the position of a morals police; the relation of boards of health to the problem; and the two views of prostitution—as a vice and as a crime.

It is at once apparent that Dr. Flexner sees no advantages in regulation. On the contrary it is depicted as a positive fomenter of disease. Such a study as this is particularly needed owing to the prevalence of the vaguest ideas of what regulation, segregation and abolition really mean among those who have had only chance reports, hearsay and newspaper accounts to rely on for information.

The subject of prostitution is still a controversial one and discussion centers about causes, the commercial aspects and remedies. Doctor Flexner's observations have given him decided opinions on all these mooted questions which he supports by evidence.

Feminists will be gratified by his frank and strong declaration that "much of what has been viewed as physiological is undoubtedly social. In the first place, however strong the spontaneous sex-impulse may be, it is like any other impulse—capable of restraint through the cultivation of inhibitions. Europe has been a man's world, managed by men and largely for men—for cynical men, at that—men inured to the sight of human inequalities, callous as to the value of lower-class life, and distinctly lacking in respect for womanhood, especially that of the working-classes. . . . Women, whose influence might have been exerted restrainingly, have been trained not to pry into the prematrimonial records of their husbands. . . . Continental Europe traditionally condones incontinence on the part of the male sex. No single cause accounts for this phenomenon; but certainly among the most important factors is not only the existence of a powerful instinct in man, but also the extent to which its indulgence is facilitated by the low social status of woman." It is this appreciation of the dominance of the male that explains the punishment of the woman for soliciting when the advances of the men on the streets are ignored. Doctor Flexner was impressed by this discrimination, among others, in Europe. He further indicates that prostitutes are not all female as homosexuality exists to an appalling degree.

While admitting that the task of developing continence in nations habituated to indulgence is one of inexpressible difficulty, Doctor Flexner believes that the woman's movement in Germany will unquestionably destroy the passivity of its women in respect to masculine irregularities. Certainly the influence of a book like that from the pen of Chrystabel Pankhurst, "Plain Facts about a Great Evil," with its war cry of "votes for women and chastity for men" is incalculable in its influence upon the point of view of wives and daughters, at least, and this book is circulating extensively in Europe as in the United States.

Dr. Flexner is no less positive in his position on prostitution as an industry with well-defined commercial aspects. In this connection, he says: "Inclination on the one hand, need on the other, are among the factors that will assist us to understand the problem; but a fundamental and antecedent condition is the existence of a market, clamoring for wares of a particular kind and furnishing an opportunity for the forced sale of such wares as do not themselves immediately find buyers. . . . Every tolerated focus, through the existence of which third parties benefit, soon becomes a vested interest, actively engaged in whipping up demand and supply, reacting upon each other." Equally with tuberculosis causation, the blame here is put upon living conditions and statistics are given amply to support the contention that the traffic is largely recruited from the "unskilled daughters of the unskilled classes."

When it comes to a presentation of remedies, Doctor Flexner, like all advanced reformers, lays emphasis on prevention. Results are not claimed to be slower thereby because it is difficult to enumerate results which are an outgrowth of direct legislative control. As preventive work, certain lines of activity are suggested: the provision of wholesome recreation, improvement of conditions of labor and living, awakening of women to their social status, control of the liquor business, the single standard of morals and equal punishment and examination for the lax of both sexes, the undermining of the idea of male incontinence as a physical necessity, and proper sex education. "Suffice it to say that every effort in social and economic reform, education, and sanitation has tended to reduce the number of prostitutes and to strengthen the resistance of those exposed to danger." The fascination and curse of the great city are shown to make the problem infinitely complex and the rationalizing of human life and endeavor becomes the great social work. "While the exact extent to which the anthropological factor is congenital defect or only imperfect education and protection remains as yet unsettled," the evidence is overwhelming that imperfect education and protection of the young are responsible for enough of the evil for us to be satisfied to deal with them without delay. Doctor Flexner would bid those remember, however, who seek to help, that the broken down home life which lies at the basis of the social evil is not an individual problem, but a social-economic one and that women must play an increasing part in their own regeneration.

Mary Beard.

New York City.

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Public Utilities: Their Cost New and Depreciation. By Hammond V. Hayes, Ph. D. Pages xii+262. New York: D. Van Nostrand Company. 1913.

This is a book on valuations written by a public utility engineer. The author sets out to lay special emphasis upon three points, namely, (1) that it is not the engineer's or the accountant's business to fix fair present value, but merely to present to the court or commission certain accurate sets of figures with the aid of which the value may be fixed; (2) that it is not so difficult to ascertain the original cost of a public utility as it has been considered to be; and (3) that depreciation is not a result of neglect but of age.

The author holds that six sets of figures should be presented to the valuation tribunal as bases for its final judgment as to what the true present value of the property is. These figures represent:

(1) Original cost of the entire property used and useful to the public at the time of the appraisal.

(2) Cost new at the present time of the same property.

(3) Loss in value of the investment arising from its years of service.

(4) Amount and market value of outstanding capitalization—stocks and bonds.

(5) Commercial or capitalized value of the business based on present and probable future earning power.

(6) The reasonable worth of the service to the public.

The author maintains that correct principles may be established by which competent experts will arrive at substantially the same results as to any particular set of figures. In this way, engineering and accounting estimates may be reduced to a scientific basis, and the element of opinion or judgment may be left almost wholly to be supplied by the commission or court in determining the relative weights to be assigned, under the peculiar circumstances of each case, to the various figures submitted. The body of this work is devoted to a lucid and helpful discussion of the technical principles to be followed in arriving at the several sets of figures referred to.

In the final paragraph of the book, the author says: "The only conclusion that can be obtained from a study of the subject of valuations of public utilities is that, apart from the appreciation in values which has been termed the unearned increment, the courts intend that the basis of return to the stockholders of public utility undertakings shall be the money properly invested by the undertaking and used by it for the benefit of the public. In most cases, the courts cannot tell whether the sums of money represented by the securities were actually invested in the property; they do not know whether the money was honestly expended in the construction of the property; they do not know whether a large portion of the property representative of the stockholders' investment has not already passed out of existence; and lastly, they cannot tell whether the same property could not be acquired more cheaply at the present time than when it was purchased. It is for the purpose of determining what sums of money have been properly invested by the undertaking in its property and whether there is that value still remaining in the property that all of the sets of figures described in this study are required by the court."

The book is well worth careful reading.

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The Theory of Social Revolutions. By Brooks Adams. New York: The Macmillan Company. 1913. $1.25.

The author assumes as the basic proposition in his thesis that our social system, if it is to cohere, must be reorganized. Twentieth century society differs in kind from all that has gone before. Through applied science infinite forces have been domesticated, and the action of these infinite forces upon finite minds "has been to create a tension, together with a social acceleration and concentration . . . . " quite unparalleled in previous history. "Meanwhile our laws and institutions have remained, in substance, constant." As a result, society has been squeezed from its rigid eighteenth century legal shell into a fourth dimension of space, "where it performs its most important functions beyond the cognizance of the law." It is in the conflict between the present-day social forces and the actual facts in present-day society on the one hand and static laws, constitutions and judicial procedure on the other, that the social equilibrium will be overthrown. The American courts, through assuming power to declare the acts of legislatures null and void, because contrary to written constitutions, have not only dislocated scientific legislation, but have necessarily cast the judiciary into the vortex of civil faction, and thus have degraded it in the popular esteem. The conviction among the American people seems to be growing that "justice is not administered indifferently to all men, wherefore the bench is not respected with us, as, for instance, it is in Great Britain where law and politics are sundered."

The author reviews the various decisions through which the supreme court of the United States has overthrown congressional and legislative acts, and concludes that these cases show that "no court can, because of the nature of its being, effectively check a popular majority acting through a co-ordinate legislative assembly. . . . The only result of an attempt and failure is to bring courts of justice into odium or contempt, and, in any event, to make them objects of attack by a dominant social force in order to use them as an instrument, much as Charles II used Jeffreys." The very constitution of a court, if it be a court calculated to do its legitimate work upon a lofty level, precludes it from keeping pace with the social movements of the times. Hence the courts must take themselves entirely out of such questions and thus make the legislatures the arenas of political combats. Legislatures are intended to be the forum for political conflicts and for that reason cannot be trustworthy courts. Under our system, courts have become legislatures and for that reason cannot be trustworthy courts. Of the two diseases, the latter is the more insidious because it undermines order; while legislative murder and confiscation induce reaction.

The danger in the present situation, with its outlook toward revolution, is that the classes in control, more specifically the capitalistic classes, may attempt to use the courts for protecting or attaining their ends, without undue respect for public opinion and the social tendencies of the times. In assuming an unyielding position, these classes will place themselves in exactly the same untenable position as the aristocrats of France placed themselves in at the beginning of the French Revolution when they would make no compromise whatsoever with the rising demands of the democracy. Unless capital can in the immediate future rise to an appreciation of diverse social conditions, rise to higher levels of political sagacity, "far higher than it has attained within recent years, its relative power in the community must decline. If this be so, the symptoms which indicate social disintegration will intensify. As they intensify, the ability of industrial capital to withstand the attacks made upon it will lessen, and this process must go on until capital abandons the contest to defend itself as too costly."

Such in effect is the unity of thought running through this volume. Why the volume should be entitled "*The* Theory of Social Revolutions," it is difficult to see, other than that, as with all men, the author concludes that his own analysis is *the* analysis. He takes refuge for illustrations in that prolific field for all who have tenets to uphold—the French revolution. His analysis, however, tends to be quite conclusive in showing that the courts when assuming powers to declare legislative acts unconstitutional become political courts and hence must be held in control, and will be as powerful in destroying those who take refuge behind them as they now are in giving protection to such refugees.

CLYDE LYNDON KING.

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PROBLEMS IN POLITICAL EVOLUTION. By Raymond Garfield Gettell, 8vo. Cloth. 400 pages, Boston:—Ginn & Company. $2.00.

In this volume Professor Gettell follows his "Introduction to Political Science," with its accompanying "Readings in Political Science," by a more comprehensive study of the many problems arising in government, considered from an evolutionary standpoint. The book contains a wealth of references in the form of foot notes, voluminous quotations from many authors, and a fairly complete index. The typographical features of the volume are excellent and numbered paragraphs add to its value.

The work as a whole shows much painstaking care and tireless industry in presenting and contrasting the views of the many authors referred to or quoted. These are almost entirely English or American, so that the opinions presented naturally emphasize the view point of English speaking peoples.

Political problems are discussed under twelve main headings, each with its several sub-topics. In presenting each of these main headings historically, there is of necessity much repetition, perhaps inevitable in that method of treatment, but perplexing to the general reader. It is, furthermore, a serious question whether so many important subjects can be fairly or adequately presented in a volume of four hundred pages. So many problems, complex in their nature, are discussed that one gets the impression of "choppiness" and superficiality in treatment, owing to the necessity of economizing space and vocabulary. For that reason the author hardly does himself justice, since he must necessarily sometimes set forth highly debatable conclusions with a sort of finality.

Yet in the hands of a careful teacher, supplementing the text by the use of references and personal comment, the book ought to be an admirable text for college classes; or, as a summary of political development, it should prove helpful to the general reader interested in problems of theory and governmental organization.

Professor Gettell deserves great credit for his constant insistence on the historical method, on comparisons wherever possible, and on the many interacting relationships between the state and other great social institutions. His concluding sentences clearly set forth his general attitude towards evolutionary political problems. "No phase in political evolution may safely be assumed to be perfect and permanent.

Conservative and intelligent compromise and adjustment are essential for political progress."

J. Q. Dealey.

Brown University.

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The State. By Franz Oppenheimer. Trans. by John M. Gitterman. Pages v, 302. Indianapolis. Bobbs-Merrill Company. 1914. $1.25.

This book is a sociologico economic study of the origin and development of the state. Its material and historical examples are drawn largely from the writings of Ratzel, and its theory that state origin results universally from conquest follows Ratzenhofer and Gumplowicz. The author belongs to the school of writers that emphasizes the economic interpretation of history, but many of his generalizations are original and brilliant.

The general thesis of the book is as follows: there are two methods of securing wealth, production by means of actual labor and robbery by means of superior force. The state as a political organization results from the latter, forced subjection of the weak by the strong inevitably following the accumulation of wealth and the rise of economic differences. When capital is vested in land and other forms of realty the feudal state results, at first in the patriarchal tribal form, later in the more developed medieval type. When capital is vested in movable commodities the commercial state results. Of this form the independent city with its out-lying trading posts is typical. As a money economy develops and standing armies grow in size, a centralized government results, reaching its climax in the Roman empire. This was destroyed by the exploitation of slave labor. Later, when capital was vested in productive industries, the modern constitutional state was formed. In the future, through the increasing socialization of industry and the disappearance of private ownership of land, the political organization will become less and the economic organization more important. The final outcome will be a semi-socialistic "freeman's citizenship," in which class interests have entirely disappeared.

While decidedly one sided in its neglect of all factors save force in state origin and of all influences save the economic in political development, the book is an important study of certain phases of political evolution. The author errs in believing that the social contract theory of state origin is still seriously held (pp. 4–5), and in considering the political and the economic organizations of society as separable and antagonistic. The translation is unusually well done.

Raymond Garfield Gettell.

Trinity College, Hartford, Conn.

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Estudios de Derecho Administrativo par Domingo Villar Grangel—Studies in Administrative Law. By Domingo Villar Grangel, Doctor of Laws, College of Madrid. 294 pages. Madrid: Hijos de Reus. 1914.

Doctor Grangel has done a real service to students of municipal institutions in presenting a study of the origins of the Spanish municipality. The book is divided into four parts, the first dealing with the Spanish municipality, the second with the juristic personality of local institutions in Spain, the third with the principles of Spanish administrative law and the fourth with certain proposed changes in the administrative system.

In this work the author shows a wide acquaintance not only with Spanish conditions but also with other European and American systems. He has also evidently been a profound student of general jurisprudence. In reading this work, one is impressed with the highly organized system of administrative control that has been established over Spanish municipalities.

It is to be hoped that a series of monographs in English dealing with the development of municipal institutions in the different countries of Europe will be issued. The work of Doctor Grangel would furnish an excellent basis for a presentation of Spanish local institutions.

Philadelphia. L. S. Rowe.

The Garden City: A Study in the Development of a Modern Town. By C. B. Purdom. 330 pages, with 4 colored pictures and 140 other illustrations. London: J. M. Dent & Sons, Ltd. New York: E. P. Dutton & Company.

It is the English garden city of Letchworth that Mr. Purdom celebrates in this beautiful volume, which commemorates the tenth anniversary of the founding of that famous community. "Unlike almost all modern towns in England and abroad, the garden city was not founded by some accident or for those merely commercial reasons peculiar to this age. It was founded like the old towns were founded—consciously, purposely, and for definite ends. It was designed with the object . . . of making town life tolerable to people who have come to hate it not merely as William Morris hated it because of its ugliness and grime, but becauses it is a menace to the vitality of the race. . . . I have tried to set down something of the romance that belongs to what may be regarded as an adventurous endeavor to create a new thing in English life."

So runs the preface to a comprehensive setting forth of what may be termed a humanitarian business enterprise that has notably succeeded. On 4,500 acres, seven times as large an area as the old walled-in city of London, that ten years ago had only a rural population, now live and work something over 8,000 people, in nearly 1,800 buildings, of an estimated value toward $3,000,000.

There is coöperative housekeeping, and in Letchworth women vote as well as work, wherefore no liquor is sold. A dozen or more industries flourish amid garden surroundings, and these workers live, not merely exist, in surroundings that seem too good to be true, for "fogs, smoke, slums, crowded areas and bad houses are not found here."

But it is not the function of the reviewer to tell what Letchworth is. The book does that, admirably, comprehensively, and beautifully; for the book itself was made in the garden city, where the Temple press of J. M. Dent & Sons does its great work. A special face of type, a page of perfect format, a singularly readable black impression, and illustrations of much excellence, go to make up a book that is a pleasure to read, even aside from its great civic value.

Those interested in a successful attempt to fight the evils of city life by making "the country" attractive, wholesome and comfortable to live in cannot do better than to get and read this inspiring volume.

J. Horace McFarland.

Harrisburg.

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Village Improvement. By Parris T. Farwell, chairman of the Village Improvement Committee of the Massachusetts Civic League. 362 pages, 20 illustrations. New York: Sturgis & Walton Company. $1.00 net.

The saying, "God made the country, but man made the town," was intended to apply primarily to the city. We are all accustomed to the old idea that most ills of the city could be cured by removal to that vague land, "the country." Latterly, it has come to be known that the slight congestions of the country population which we call villages have, for the most part, a large share of the disadvantages of the city and of the country, and precious little of the advantages of either. Often with the merest rudiments of efficient government, with little civic spirit, scant resources, no provisions for beneficial recreation and a very low ideal—or no ideal—of life, the small community has sometimes provided us with definitely nasty slums, with sordid immorality, with a dull and dreary monotony of life that has made the city seem like heaven in comparison.

But better things have arisen. The first definite village improvement organization is credited to Stockbridge, Massachusetts, in 1853, and of its work Mr. Farwell tells in the excellent book of which the title heads this item.

"Village Improvement" is at once a library of record in small community betterment, and a mint of definite suggestion as to what may be practicably undertaken. Mr. Farwell's twenty-five years of experience in work in small country towns has made him thoroughly acquainted with the problems to be met. Some of the chapter titles may be cited as indicating the breadth of the work: The value of natural beauty; a typical village improvement society; the home and its surroundings; the committee on trees and forestry; country roads and village streets and their furnishings; the country church and village improvement.

There are also chapters on parks, health, law and order, educational work, the public school, clubs, and play, and the appendix gives certain model constitutions, etc.

The work is to be commended as needed, definite, practical and logical.

J. Horace McFarland.

* * *

The American Year Book: A Record of Events and Progress in 1913. Edited by Francis G. Wickware, under the direction of a supervisory board representing national learned societies. New York: D. Appleton & Company. 1914. $3.00.

This is the fourth issue of the American Year Book and is more complete and comprehensive than any of its predecessors. In other words, the various contributors as well as the editor are learning by experience how best to set forth in concise and graphic form the year's progress in history, politics, science and industry. While there may be those who prefer the alphabetical arrangement of material, nevertheless the topical arrangement has very considerable advantages. As in former volumes the department of municipal government is edited by the secretary of the National Municipal League. It deals with movements in municipal home rule, commission government, efficiency and research, municipal organizations, municipal accounting, housing, vice investigations and the social evil, police, graft, nuisances, and is concluded by a concise bibliography.

Official Record of the First American National Fire Prevention Convention. Held at Philadelphia, Pennsylvania, October 13–18, 1913. Compiled by Powell Evans, Chairman Philadelphia Fire Prevention Commission, Philadelphia, Pa. Paper, 6 x 9 inches; pages 541; illustrated.

Many of the broad phases of fire prevention were systematically considered at this convention and after careful deliberation short resolutions were drawn summarizing the consensus of opinion on the various topics. Among the fifteen set topics were such subjects as location, zones of danger, building construction, building codes, protection, education, insurance. The papers, discussions and resolutions under each topic are here printed. Considerable additional information is given in ten appendixes. The volume is well worth the modest price placed upon it and deserves wide circulation.

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St. Louis: A Civic Masque. By Percy MacKaye. Garden City, New York: Doubleday, Page & Company. $1.00 net.

This masque, in the words of the preface, is a contribution "to a distinctive art-form of the civic theatre, in its large scale aspects," as outlined in the author's recent volume.[1] Aside from any question of its literary merit, it is a distinct and interesting contribution to the dramatic teaching of civic ideals. Performed in St. Louis in June in connection with the civic pageant[2] it is a notable event in civic self-expression, and will undoubtedly be helpful in initiating a new era in civic self-expression, for it is designed primarily as a spectacle. It concludes with the cities banded together by love for the achievement of great ideals.

The stage directions and appended notes make of the volume a substantial contribution to civic uplift and pageantry.

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[1] See National Municipal Review, Vol. III. page, 181.

[2] See National Municipal Review, Vol. III, page 401.

Year Book and Register of the Parish of Trinity Church in the City of New York. Published by the Parish.

Under the administration of the Rev. William T. Manning, D. D., the work of Trinity Parish is of more than local interest and importance. Trinity Church is one of the largest land holders in New York and recently has awakened to its social and municipal obligations in this behalf. In this volume there is a striking article on "Trinity's Dwelling Houses," being the report of Emily Wayland Dinwiddie, who has been retained by the parish to act as social inspector of the dwelling properties belonging to it. Some idea of the scope of the work of this parish may be gathered from the fact that it requires 503 pages to recount the various activities.

Proceedings of the Canadian Political Science Association. 1913. 153 pages.

The Proceedings of the first annual meeting of the Canadian political science Association held at Ottawa, September 4–6, 1913, have been published. They contain a series of papers on city government in Canada, the discussion of which was opened by Prof. William Bennett Munro who considered "Boards of control and commission government in Canadian cities." Prof. Charles S. Potts of the University of Texas contributed an address on "Commission government in Texas."

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BOOKS RECEIVED

The Amazing Argentine, A New Land of Enterprise. By John Foster Fraser. New York: Funk & Wagnalls Company. $1.50.

American Citizenship. By Charles A. Beard and Mary Ritter Beard. New York: The Macmillan Company. 1914.

City of London Year Book and Civic Directory. 1914. London: W. H. & L. Collingridge. 5 shillings net.

Clean Water and How to Get It. By Allen Hazen. New York: John Wiley & Sons, In. $1.50.

The Community and the Citizen. By A. W. Dunn. New York: D. C. Heath & Company.

Corporate Promotions and Reorganizations. By Arthur Stone Dewing, Ph.D. Harvard Economic Studies, Vol. X. Cambridge, Massachusetts: Harvard University Press. 616 pages. $2.50.

Forty Years of It. By Brand Whitlock. New York: D. Appleton & Company. $1.50.

Health in Home and Town. By Bertha Millard Brown. New York: D. C. Heath & Company.

The History of the Dwelling House and Its Future. By Robert Ellis Thompson. Philadelphia: J. B. Lippincott Company. $1.00.

Immigrant and Library: Italian Helps, with lists of selected books. By John Foster Carr. New York: Immigrant Education Society. 35 cents.

The Immigration Problem. By Jeremiah W. Jenks and W. Jett Lauch. New York: Funk & Wagnalls Company. $1.75. Third revised edition.

Lectures on Housing. The Warburton Lectures for 1914. By B. Leebohm Rowntree and A. C. Pigou, Manchester: The University Press. 50 cents.

Manual of Accounting, Reporting and Business Procedure of the City and County of Philadelphia. John M. Walton, City Controller. Issued by the city controller. 1913.

The Mechanics of Law Making. By Courtenay Ilbert. New York: Columbia University Press.

Modern City Planning and Maintenance. By Frank Koester. New York: McBride, Nast & Company. $6.00.

MODERN INDUSTRY, IN RELATION TO THE FAMILY, HEALTH, EDUCATION, MORALITY. By Florence Kelley. New York: Longmans, Green & Company. $1.00.

THE PERSONALITY OF AMERICAN CITIES. By Edward Hungerford. New York: McBride, Nast & Company. $2.00.

PROCEEDINGS OF THE AMERICAN WATER WORKS ASSOCIATION, 1913. Published by the Association. J. M. Diven, Secretary, Troy, New York.

PROCEEDINGS OF THE FIFTH ANNUAL CONVENTION, LEAGUE OF KANSAS MUNICIPALITIES. Published by the League of Kansas Municipalities, Lawrence, Kansas. 75 cents.

PROGRESSIVISM—AND AFTER. By William English Walling. New York: The Macmillan Company. $1.50.

REPORT ON THE BUDGET OF EDUCATIONAL ESTIMATES AND EXPENDITURES, BOARD OF EDUCATION, CITY OF CHICAGO. Efficiency Division, Civil Service Commission.

A REPORT ON VICE CONDITIONS IN THE CITY OF LANCASTER, PENNSYLVANIA.

REPORT ON THE POLICE PENSION FUND OF THE CITY OF NEW YORK. Submitted to the Aldermanic Committee on Police Investigation by the Bureau of Municipal Research, New York.

THE SOCIAL EMERGENCY, STUDIES IN SEX HYGIENE AND MORALS. Edited by W. T. Foster. With an Introduction by Charles W. Eliot. Boston: Houghton Mifflin Company. $1.35.

STATE REGULATION OF PUBLIC UTILITIES—THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, MAY, 1914. Philadelphia: American Academy of Political and Social Science.

A TREATISE ON THE LAW OF PUBLIC UTILITIES OPERATING IN CITIES AND TOWNS. By Oscar L. Pond. Indianapolis: The Bobbs-Merrill Company.

TEACHING SEX HYGIENE IN THE PUBLIC SCHOOLS. By Dr. E. B. Lowry. Chicago: Forbes & Company. 50 cents.

VOLUNTEER HELP TO THE SCHOOLS. By Ella Lyman Cabot. Boston: Houghton, Mifflin Company. 60 cents.

THE YOUNG CITIZEN. By C. F. Dole. New York: D. C. Heath & Company.

DEPARTMENT OF REPORTS AND DOCUMENTS

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Miss Adelaide R. Hasse, *Chief of the Division of Documents, New York Public Library*

Associate Editor in Charge

General

Chicago, Ill. Civil Service Commission. Report on the investigation of prison labor and management of the House of Correction, City of Chicago, 1914. 66 p., illus. 8°. **Cc; Cj; Cm; Cs; Np; Sp.**

Civic League of Cleveland. Efficiency series. Report no. 3. The recorder's office. Report of the investigation made by the league in the interest of economy and efficiency. March, 1914. 25 p. **Cc; Cj; Cp; Np.**

Committee on Public Affairs, Chicago, Ill. First official report of the Committee on Public Affairs. March, 1914. 28 p. 8°.

Committee organized January 8, 1914; composed of about 150 women drawn from membership of various women's organizations in the city, to study and report upon county, municipal and educational affairs in Chicago. **Cs.**

Condomi Alcorta, Arturo. La Plata, ciudad industrial. La Plata, 1913. 178 p., illus. 4°. **Np.**

Hoben, Ernest Denis. Christchurch, New Zealand, faire tree-set "City of the Plains." Being some account of its public and municipal institutions. 1914. 94 p., illus. 8°. **Np.**

Address: Town Clerk, Christchurch, N. Z.

League of Texas Municipalities. Proceedings of the first annual convention. 1914. 38 p. 8°. **Np.**

Contains text of the addresses of the presiding officer, Hon. A. P. Wooldridge, mayor of Austin, of Prof. H. G. James, director of the Bureau of Municipal Research and Reference of the University of Texas on "The Function of Municipal Leagues"; of Prof. C. S. Potts, director of the Legislative Reference Bureau, University of Texas, on "The Place of Legislative Reference Bureaus in Government"; of J. J. Pastoriza, finance commissioner of Houston, on the Somers system of tax valuation and the Houston method of assessment.

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[1] By arrangement with the Chicago School of Civics and Philanthropy and the St. Louis Municipal Reference Branch of the Public Library, the libraries of those cities will hereafter coöperate in the compilation of the bibliography printed in the National Municipal Review. The task of assembling the Chicago material has been undertaken by Miss Renée B. Stern of the Chicago School of Civics and Philanthropy. Mr. A. L. Bostwick of the St. Louis Municipal Reference Branch will assemble the material for St. Louis. The symbols attached to titles in the bibliography indicate the libraries which have reported the receipt of the title.

Explanation of symbols

Cc, Chicago, City Club Library
Cj, Chicago, John Crerar Library
Cm, Chicago, Municipal Library
Cp, Chicago, Chicago Public Library
Cs, Chicago, Chicago School of Civics and Philanthropy
Np, New York City, New York Public Library
Sp, St. Louis, St. Louis Public Library

In this connection it may be well to state that it is not the intention to include titles of annual reports in the bibliography, except in special instances. An annual report issued for the first time will always be included; as well as one issued in a changed form. An annual report containing unusual features will also be noted.

——. Texas Municipalities. No. 1, March, 1914. 23 p. 8°. **Np.**

Contents: The League of Texas Municipalities. Facts about Texas cities, 1913. Charter activity in Texas cities. State municipal leagues.

MACFARLAND, HENRY B. F. The nation's relations with its capital city. February, 1914. 23 p. 8°. **Np.**

A series of seven articles on the building of Washington and the establishment of a permanent system of government, reprinted from the Washington [D. C.] *Herald*. Mr. Macfarland was president of the Board of District Commissioners, 1900 to 1910.

MASSACHUSETTS. COMMISSION ON ECONOMY AND EFFICIENCY. Reorganization of boards and commissions having supervision and control of state institutions. Report submitted by Commission on Economy and Efficiency, February 7, 1914. Boston, Wright & Potter Printing Co., 1914. 63 p., plans, tables. 8°. **Cj; Cm.**

Approved March 27, 1914.

NEW YORK SHORT BALLOT ORGANIZATION. The abolition of the office of coroner in New York City. March, 1914. 17 (1) p. **Cc; Np; Sp.**

NOTTINGHAM, ENGLAND. Chamber of Commerce. Yearbook, 1914. First issue. 337 p., illus. 8°. **Np.**

ST. LOUIS, MO. City Plan Commission. Municipal institutions of St. Louis. Where to go and what to see. March, 1914. 48 p., illus., 5 maps. **Cm; Np; Sp.**

Accounting and Finance

CHICAGO, ILL. Bureau of Public Efficiency. The bond issues to be voted upon April 7, 1914. A statement to the voters of Chicago and of Cook County. 13 p. 8°. **Np.**

——. Civil Service Commission. Report on the budget of educational estimates and expenditures. Board of Education, City of Chicago, February 27 to April 8, 1914. 558 p. 8°. **Cc; Cj; Cm; Cs; Np.**

COOK COUNTY, ILL. Department of Finance. Classification of expense accounts. February, 1914. 43 p. **Np.**

LOS ANGELES, CALIF. Budget Committee of the City Council. Budget estimates of Los Angeles, for the fiscal year 1914–15. 63 p. 8°. **Np.**

NEW YORK CITY. Finance Department. Statement of the revenues and operation expenses of the city's water supply. May, 1914. Typewritten copy only seen. **Np.**

PHILADELPHIA, PA. Manual of accounting, reporting and business procedure of the city and county of Philadelphia. Effective January 1, 1914. Issued by the city controller. 66 p. 4°. **Np.**

Distributed on receipt of postage, viz., 6 cents.

SPRINGFIELD, MASS. Bureau of Municipal Research. Public affairs no. 1. The budget. 2 leaves. 4°. **Np.**

WESTCHESTER COUNTY RESEARCH BUREAU. County printing expenses. 1914. 23 p. **Np.**

Building Law

MILWAUKEE, WISC. Building ordinances of the city of Milwaukee. 208 p. 12°. **Cp; Cj; Np.**

Address: W. D. Harper, Inspector of Buildings Milwaukee, Wisc.

MINNEAPOLIS CIVIC AND COMMERCE ASSOCIATION. Report of the Municipal Committee on Limitation of Heights of Buildings. 1914. 31 p. 8°. **Cc; Np.**

NEW YORK CITY. Heights of Buildings Commission. Report. (New York City Record. March 26, 1914, p. 2660–69). **Cm; Np.**

Charters

BUFFALO, N. Y. Charter. An act to provide a charter for the City of Buffalo. Became a law April 7, 1914. Laws of New York. Chap. 217, 1914. 136 p. 8°. **Cm; Np; Sp.**

Cleveland, O. Civic League. *The Municipal Bulletin.* March, 1914. Nonpartisanship and the new city charter. How the new charter is working. 23 p. **Np.**

Columbus, O. Proposed charter for the City of Columbus. Prepared and proposed by the charter commission. Election day, Tuesday, May 5, 1914. 64p. **Np.**

Denver, Col. Charter of the City and County of Denver. Framed by the second charter convention, 1904, and all amendments thereof to and including February 17, 1914. 1914. 225 p. 8°. **Np.**

Halifax, N. S. The Halifax city charter with the ordinances and by-laws. 1914. xi, 455 p. 8°. **Cm.**

New York State. Statutes. An act to authorize a city of the second or third class to adopt a simplified form of government. Approved April 16, 1914.

The "Murtaugh-Sullivan" bill, an optional city charter measure. It is applicable to all cities of New York State, except New York, Buffalo and Rochester, and permits the adoption, by referendum vote, of one of seven forms of charter outlined in the law. These include variations of the commission government and the city manager charters, as well as the more conservative mayor and small council scheme. All the charters are built on the short ballot idea, and all make provision for more concentration of authority in the executives than the average municipal charter does now. The bill was advocated by the State Conference of Mayors and the Municipal Government Association.

Olean, N. Y. The proposed charter for the City of Olean. Proposed by the Citizens' Charter Committee. Election day, June 30, 1914. Reprinted for the Chamber of Commerce, Olean, N. Y. 87 p. 8°. **Np.**

St. Louis, Mo. Outline of the main provisions of the new charter tentatively agreed upon by the Board of Freeholders, and a summary of what has been incorporated along these lines in other recent city charters. February, 1914. 15 p. **Cp; Cm; Np.**

——. Proposed charter for the City of St. Louis. Prepared by the Board of Freeholders. May, 1914. 76, x p. 8°. **Cp; Cs; Np.**

Upson, L. D. A charter primer. 1914. 24 p. **Cm; Cc; Cs; Np; Sp.**

Prepared and published in response to requests for information as to the process of securing the Dayton charter.

Child Welfare

Child Conservation League of America. Its plan and scope. 1914. 20 p. **Np.**

City Planning

Canada. Commission of Conservation. First draft of a town planning act. 1914. 16 p. 8°. **Np.**

Cheney, Charles Henry. What is City planning? from Oakland City Planning Committee. Bulletin no. 1. League of California Municipalities reprinted from "Pacific Municipalities," January, 1914. 7 p. 8°. **Cm.**

City Club of Berkeley. Berkeley Civic Bulletin, v. 2, no. March 14. **Cs; Np.**

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Fisher, Walter L., and Arnold, Bion J. Report to the Citizen's Terminal Plan Committee of Chicago. Chicago, 1914. 16 p., map. 8°. **Cm; Cp; Cs; Np.**

Landscape Architecture. April, 1914. Vol. 4, no. 3. p. 81–132. Folio. **Np.**

A city planning and conservation number. Among the articles are the following on city planning: European City Plans and Their Value to the American City Planner, by W. Hegemann, p. 89–103. The Piazza del Popolo in Rome, by E. F. Lewis, p. 104–106.

New York City. Committee on the City Plan. Report submitting a resolution for the appointment of a commission on building districts and restrictions. May 8, 1914. 5 p. 4°. **Np.**

Robert H. Whitten is Secretary of the Committee. Address: Board of Estimate and Apportionment, City Hall, New York City.

OAKLAND, ETC., CAL. City planning exhibition,—presented by the Cities of Oakland, Berkeley, Alameda, Richmond and Piedmont, and by the American City Bureau of New York, New City Hall, Oakland, March 13 to 22, 1914. 16 p. 8°. **Cm.**

PITTSBURGH, PA. Pittsburgh Industrial Development Commission. Municipal improvements, recently completed, under construction, and provided for. 1913. 19 p., illus. 4°. **Np.**

The issues of this commission are extremely useful for municipal reference work. The commission also publishes a monthly magazine entitled *Development.*

ROBINSON, CHARLES M. The advancement of Alton, Ill. A general city plan study for the Board of Trade. January, 1914. 42 p., illus. **Cm; Cs; Np; Sp.**

ST. LOUIS, MO. City Plan Commission. Five possible locations and comparative cost of proposed river terminals. Report of the Commission. March 19, 1914. 7 p. **Cp; Cm; Np.**

The river front. Proposed unit terminals for boats and railroads. Report of the Commission. March 12, 1914. 8 p. **Cp; Cm; Np.**

Clean-up Movement

CLEVELAND, O. Citizen's Campaign Committee. Cleveland official bulletin. Clean-up campaign April 27–May 9, 1914. 4 leaves., illus. **Np.**

NEW YORK PUBLIC LIBRARY. Document Division. [A collection of clippings, circulars, letters, and magazine articles on clean-up movements, 1913-1914.]

The collection was made in April, 1914, for the use of a local civic body.

Comfort Stations

NEW YORK ASSOCIATION FOR IMPROVING THE CONDITION OF THE POOR. Comfort stations in New York City, a social, sanitary and economic survey, by the Bureau of Public Health and Hygiene of the Department of Social Welfare. Publication no. 80, 1914. 39 p., illus., charts. 8°. **Cc; Cj; Cm; Cp; Cs; Np.**

Courts

AMERICAN JUDICATURE SOCIETY. Bulletin 4. First draft of an act to establish a model court for a metropolitan district. March, 1914. 149, vii p. 4°. **Np.**

ST. LOUIS, MO., CIRCUIT COURT. Juvenile Division and Probation Office. A review of the St. Louis juvenile court for the five year period April 30, 1908–April 30, 1913. February 1914. 89 p. 8°. **Cp; Cs.**

Dance Halls

See Municipal Ownership.

Excess Condemnation

GREAT BRITAIN. House of Commons. Mall Approach (Improvement) Bill. House of Commons Bill 82. Presented March 2, 1914. 7 p. f°. **Np.**

Expenditures for $1,500,000 are provided. The power of excess condemnation is conferred on the Westminster City Council.

Electoral Reform

See also under Charters.

DETROIT, MICH. Public Library. Preferential voting; municipal ownership; selected bibliographies 1914. 14p. 12°. **Cj; Cp; Np; Sp.**

GREAT BRITAIN. Statutes. Municipal Representation Bill. [House of Lords.] Bill 184. 1914. 22 p., folio.

The object of the bill is to allow municipal boroughs to adopt for their election a system of proportional representation. It does not extend to Scotland or Ireland. Price per copy, 3d.

NEW YORK SHORT BALLOT ORGANIZATION. The short ballot in the state of New York. March, 1914. 22 p., chart. 8°. **Cc; Cm; Np; Sp.**

Fly Extermination

CITY CLUB OF BERKELEY. Berkeley Civic Bulletin. v. 2, no. 11. May, 1914. p. 191–226. **Cc; Cm; Cp; Cs; Np; Sp.**

v. 2, no. 11. Housefly management. A discussion of the life history of the domestic fly, its dangers and methods for its prevention.

Felt, E. Porter. Fundamentals in Fly Control. 1914. 14 p. Typewritten. **Np.**

Address delivered before the American Association for Promoting Hygiene and Public Baths, held in Newark, N. J., in May, 1914. Mr. Felt is State Entomologist of the State of New York.

Seine, Département de la. Conseil d'Hygiene Publique et de la Salubrité. Compte rendu des séances. Année 1913. 852 p. 8°. **Np.**

Pages 114–140, 441–456 comprise reports on the result of a fly extermination campaign. Illus.

Gardens

Toledo, O. Toledo Art Museum. City beautiful campaign, 1914. The making and care of home gardens. 2 leaves. **Np.**

Government

Burlington, Vt. Annual message of the Mayor, James E. Burke. April 6, 1914. **Np.**

Mayor Burke makes a strong plea for the adoption of a commission form of government for Burlington.

Chase, Charles P. City manager plan applied to Iowa. 8 p. (Iowa Engineering Co., Clinton, Ia. Monthly Bulletin, March, 1914.) **Np.**

Cincinnati, O. Business Men's Club. The Optimist. Vol. 2, no. 9. March, 1914. **Np.**

No. 9. Special charter number. What the charter commission has accomplished so far. 24 p.

Illinois. Law of Illinois relating to commission form of municipal government. Act of 1910 as amended. In force May 12, 1911. 1914. 63 p. 12°. **Np.**

New Jersey. Commission appointed by the Governor to submit changes and amendments to the Walsh Commission Government Act. February 28, 1914. Report. **Np.**

Charles E. Bird, city counsel of Trenton, is chairman. The report has been seen only as a newspaper clipping kindly supplied by Mr. Bird.

Requa, M. L. Efficiency in municipal and county government. An address delivered at a taxpayers' dinner, February 25, 1914. March, 1914. 15 p. **Cc; Cp; Cm; Np; Sp.**

Published as Report No. 12 of the Tax association of Alameda County.

Seattle, Wash. Annual message of George F. Cotterill, mayor, to the city council, January 5, 1914. 50 p., 1 leaf. **Np.**

This document is more than a message. It is a concise report of the year's operations of this the twentieth American city. Collectors should make a note of the fact that in June or July there is to be a special election in Seattle to vote upon a new charter.

Washington State University. University Extension Journal. Vol. 1, no. 2, April, 1914. p. 41–88. 8°. **Cp; Np; Sp.**

Contains a bibliography on the city manager plan, p. 81–82.

Housing

Cleveland, O. Chamber of Commerce. A tenement house code. February 20, 1914. 35 p. **Cm; Np.**

Draft for a proposed code.

——. Department of Public Welfare. An investigation of housing conditions of Cleveland's workingmen. April, 1914. 34 p., illus. (Monograph series, No. 1.) **Cs; Cj; Np; Sp.**

Grand Rapids, Mich. Ordinances. Housing ordinance of the City of Grand Rapids, Michigan. Passed February 24, 1914. 51 p. 24°. **Cs.**

Ireland. Committee on Housing Conditions of the Working Classes in Dublin. Report and appendix. 2 vols. 1914. F°.

Report. 30 p., 5 pages of plates. Price 1s. 1d. Appendix. (Minutes of evidence, with appendices.) 393 p., illus. and fine map of the city of Dublin. Price, 4s.

Munich, Germany. Statistisches Amt. Wohnungsüberfüllung und ihre Bekämpfung in deutschen Städten. . . . München, 1914. 67 p., tables. 8°. **Cm.**

Einzelschriften Nr. 11.

NICHOLS, ROY T. A study of the causes of tuberculosis. Based upon the records of 250 cases of the tuberculosis dispensaries, and upon the housing records of the Bureau of Sanitation of the Cleveland Health Department. 1914. 14 p. 8°. **Np.**

Reprinted from the Monthly Bulletin, Ohio Department of Health, February, 1914.

SEINE, DEPARTEMENT DE LA. Conseil d'Hygiene Publique et de la Salubrité. Compte rendu des séances. Année 1913. 852 p. 8°. **Np.**

This volume contains considerable material on housing betterment in Paris. On pages 408–423 there is a report by M. Chérioux on the dwellings being constructed by the city in the Rue Émile Zole and the Rue Henri-Becque respectively. The report is accompanied by ground plans. A further report by a special housing commission is printed on pages 777–803. This report is accompanied by ground plans of nine houses, groups being constructed in various parts of Paris by the City Council.

Ice Plants

See Municipal Ownership.

Licenses

ST. LOUIS, MO. Ordinances. An ordinance relating to the licensing of all persons, firms, partnerships, corporations or associations engaging in the chattel loan business, fixing amount of license fee and providing penalty for violation of this ordinance. 2p. 12°. **Cm.**

——. Ordinance providing for the licensing and regulating of itinerant vendors of goods, wares and merchandise and providing penalties for the violation hereof. 2p. 12°. **Cm.**

Approved March 19, 1914.

Maps

See also Parks; do. Sewers. An excellent map of the city of Dublin is included in the Irish Housing Committee's report entered above under Housing.

STUTTGART, GERMANY. Plan der Haupt- und Residenzstadt Stuttgart. Scale 1: 15000 24½ x 27 inches. 1914. **Np.**

Address: Städtisches Vermessungsamt.

Markets

See Municipal Ownership.

Milk Supply

JONES, C. M. The milk supply of Minneapolis. A thesis prepared in the seminar in "Economic developments of the Northwest," and edited under the direction of Prof. E. V. Robinson of the University of Minnesota. 1914. 12 p. 8°. **Np.**

Bulletin 53, of the Minnesota State Dairy and Food Commission.

NEW YORK MILK COMMITTEE. Seventh annual report for the year ending December 31, 1913. 89 p., illus. **Np.**

Address: 105 E. 22d street, New York City. While it had been decided to omit mention of annual reports as a rule in this bibliography, there are annual reports which by virtue of the undertaking they represent, the exceptional nature of their contents, the demand for material of which there is a small supply, simply require to be included. This report belongs in such a class. The scope of its contents is far wider than its title indicates, and a copy ought to be in the library of every city promoting social betterment. And which city is not?

ST. LOUIS, MO. Ordinances. An ordinance to prohibit adulteration and misbranding of milk. Approved March 13, 1914. 12 p. 16°. **Cp.**

Municipal Labor Bureaus

See also Unemployment.

BERKELEY, CAL. Municipal Labor Bureau. Report of the superintendent of the bureau for the first quarter ending March 31, 1914. 2 p., typewritten. **Cp.**

Municipal Ownership

DETROIT, MICH., PUBLIC LIBRARY. Preferential voting; municipal ownership; selected bibliographies. 1914. 14 p. 12°. **Cj; Cp; Np; Sp.**

Auditoriums.

TAX ASSOCIATION OF ALAMEDA COUNTY, OAKLAND, CAL. A detailed estimate of the total cost of the erection of a municipal auditorium for the City of Oakland, Cal. May 14, 1914. 4 p., tables. Typewritten. **Cm; Np.**

Ice Plants.

WENTWORTH, JEANIE W. A report on municipal and government ice plants in the United States and other countries. December 15, 1913. 78 p. **Cp; Np; Sp.**

Markets.

BRIDGEPORT, CONN. Mayor. Message recommending passage of an ordinance creating public markets. May 18, 1914. Typewritten copy only seen. **Np.**

CHICAGO, ILL. MARKET COMMISSION. Preliminary report to the Mayor and Aldermen of the City of Chicago by the Chicago Municipal Markets Commission. Chicago, April 27, 1914. 55 p., diagr., tables. 8°. **Cj; Cm.**

Dance Halls.

CHICAGO, ILL. MUNICIPAL REFERENCE LIBRARY. Municipal dance halls. March, 1914. 10 p. 8°. **Ce; Cj; Cm; Cp; Cs; Np; Sp.**

Municipal reference bulletin no. 2.

CLEVELAND, O. Dance Hall Inspector. Report of regulation of the city's dance halls for the year ending December 31, 1913. 10 p. 8°. **Np.**

Noise Abatement

CITY CLUB OF CHICAGO. Less noise in Chicago. A condensed digest of the Chicago city ordinances on the reduction of noise. 1914. 2 leaves. 8°. **Cm; Cp; Cs; Np.**

Ordinances

Ordinances on specific subjects are entered under the subject.

KEENE, N. H. Ordinances as revised and passed March 17, 1914, together with the city charter, special legislation, rules of order of the city councils, and list of city officials from 1874 to 1914. 158 p. 8°. **Np.**

Pageantry

TANNER, VIRGINIA. The pageant of the little town of X. Preface by Walter Prichard Eaton. 24 p. 12°. **Cm; Cs; Np.**

Massachusetts Civic League Leaflets 1914, no. 10.

Parks

See also Recreation.

OMAHA, NEBRASKA. City Engineer's Office. Map of Omaha showing parks and boulevards and street railway tracks. 1914. 21 x 15 inches. **Np.**

Poor

BURNS, RIGHT HON. JOHN. Report of the Metropolitan Poor Law Inspectors' Advisory Committee on the Homeless Poor. 1914. 21 (1) p., folio. **Np.**

The Hon. Mr. Burns is President of the Local Government Board. Price per copy of the report 2½ d.

Port Development

CHICAGO REAL ESTATE BOARD COMMITTEE ON HARBOR AND RIVER IMPROVEMENT. The Chicago River door; shall it be closed or opened? May 6, 1914. 8 p. 8°. **Cc; Cp; Cs.**

A report of the Committee presented by John W. Alvord, May 6, 1914; including a petition to the Mayor.

—— ——. The report of the Committee, May 6, 1914. 12 p. 8°. **Cp; Cs.**

SEATTLE, WASH. The Port of Seattle Year Book. History and resources of the port of Seattle—annual reports of the port commission, port warden, harbor maps and miscellaneous information. 1914. 256 p., 4 leaves, 5 maps., illus. 8°. **Np.**

It may be useful to refer here to the second annual report of the Port of Seattle Commission for 1913. On pages 26–27 of this report is an excellent list of references on the port development activities of Seattle.

UNITED STATES. OFFICE OF CHIEF OF ENGINEERS. Reports on preliminary examination and survey of Los Angeles and Long Beach harbors, Cal., consideration being given to the question of coöperation on the part of local interests. April, 1914. 87 p., 1 map. 8°. **Cp; Np; Sp.**

U. S. 63 congress, 2d session, House doc. 896.

—— ——. Reports on preliminary examination and survey of Cleveland harbor, Ohio, including any plan for coöperation on the part of the city of Cleveland. April, 1914. 25 p., 1 map. 8°. **Cp; Np; Sp.**

U. S. 63 Congress, 2d session House doc. 891.

Public Utilities

American Telephone and Telegraph Co. Commercial bulletin no. 7. Governmental and private telegraph and telephone utilities: an analysis [of the speech of Hon. D. J. Lewis, comparing governmental and private telegraph and telephone utilities]. March 2, 1914. 95 p. 4°. **Cj; Cp; Np.**

The Hon. Mr. Lewis' speech referred to is printed in the Congressional Record of Dec. 22, 1913. This bulletin as well as Mr. Lewis' speech will be found useful for the tabulations of American and foreign telegraph and telephone tolls, numbers of communications, wages paid operators, etc. Copies of this bulletin may be had upon application to the American Telephone and Telegraph Co., 15 Dey street, New York City, attention C. I. Barnard, commercial engineer.

——. Comparative summary of laws relating to the regulation of telephone and telegraph companies by commission, in force November 1, 1913. Third edition; compiled by American Telephone and Telegraph Company. Boston, 1914. 710 p. 4°. **Cj; Cm.**

Boston News Bureau. The story of New York subways. 1914. 15 p. 8°. **Cp.**

Reprinted from the Boston News Bureau, Jan. 12, 1914.

Chicago, Ill. Comprehensive Subway League. Facts about subways, issued by the Comprehensive Subway League. Chicago, 1914. 15 p. 12°. **Cm.**

Cincinnati, Ohio. Code of franchises, published by direction of the Council of Cincinnati by Arthur Espy, City Clerk. Cincinnati, Roessler Bros., printers and publishers. 1914. iv. 456 p. 8°. **Cm.**

Hill, Nicholas S., Jr. Valuation of public utilities, by Nicholas S. Hill, Jr., . . . The Municipal Engineers of the City of New York. Paper. no. 87, presented March 25, 1914. 34 p. 8°. **Cm.**

Los Angeles, Cal. Street and Interurban Railway Lines. Report no. 1 valuation of Street and Interurban Railway Lines in the City of Los Angeles, California. Inventory and valuation of the Los Angeles Railway Corporation including the City Railway. Board of Public Utilities of the City of Los Angeles, January 8, 1914. 32 p., tables. 8°. **Cm.**

Minnesota Home Rule League. Regulation of public utilities in Wisconsin. An analysis of the system and the results. 1914. 46 p. narrow. 8°. **Cc; Cp; Np.**

An indictment of the Wisconsin system of public utility regulation.

New York State. Public Service Commission for the First District. Regulation of public service companies in Great Britain with supplemental chapters on the Boston sliding scale and Toronto auction sale and maximum dividend plans, by Robert H. Whitten. Public Service Commission for the First District. New York City, 1914. 231 p., tables. 8°. **Cm; Cj; Np; Sp.**

New York State. Senate. Preliminary report of the joint committee of the Senate and Assembly to investigate and examine into telephone, telegraph and other forms of electrical communication. March 20, 1914. 11 p. 8°. **Cm; Np.**

Senate doc. 54, 1914.

Newcomb, George E. Subways in loop district are impracticable. Chicago, January 31, 1914. 12 p. 12°. **Cp.**

Providence, R. I. City Council. Report of the Joint Special Committee on Subways and report of Engineer William W. Lewis, together with proposed resolution and draft act to provide rapid transit in the city of Providence. 1914. 66 p. 8°. **Cp.**

Rosemond, Mary M. Select list of references on the valuation of public service corporations, compiled by Mary M. Rosemond, Legislative Reference Assistant of the Iowa State Library at request of Committee on Railroad Taxes and Plans for Ascertaining Fair Valuation of Railroad Property of National Association of Railway Commissioners. 25 p. 8°. **Cm.**

Ohio. Public Utilities Commission. Proposed standards and regulations for gas service in the state of Ohio. April, 1914. 2 leaves. **Np.**

At the time of writing, this matter was still in abeyance.

Pennsylvania. Public Service Commission. Municipal contract docket no. 1. In re petition of Schuylkill Light, Heat and Power Co. for approval of an ordinance of the Borough of Ashland. Decided April 9, 1914. 6 p. 8°. **Np.**

United States. District of Columbia Committee (House). Street railways in the District of Columbia. Hearing on H. R. 7896. 1914. 141 p. **Np.**

——. Post Office Department. Government ownership of electrical means of communication. Letter from the Postmaster General transmitting a report prepared by a committee of the Post Office Department. January 31, 1914. 148 p. 4°. (63 Cong., 2 sess. senate doc. 399.) **Np.**

On p. 50–51 there is a graph showing the comparison of subscribers' annual telephone rates for 60 American cities under competition and monopoly; on p. 74–75 there is a tabulation of population and telephone tariffs as of December, 1912, for the same 60 cities.

University of Iowa. Extension Division. Bureau of Municipal Information. Rate-making for public utilities by Wm. G. Raymond, 1914. 14 p. 8°. **Cc; Cj; Np.**

University Extension Bulletin no. 2, May 2, 1914. New series no. 76.

Purchasing Systems

Baltimore, Md. Bureau of State and Municipal Research. The purchase of coal by institutions. Issued May 4, 1914. General discussion of Baltimore city contracts. Recommendations and standard specifications. App. I. The single standard of coal valuation. App. II. The bonus system of wages. 66 p. **Np.**

This is report no. 10 of the bureau. Address: 728 Equitable Building, Baltimore, Md.

Cleveland, O. Ordinances. Ordinance no. 31783 A–A. An ordinance to establish rules and regulations for making purchases, contracts and sales. Approved January 22, 1914. Slip form. **Np.**

Recreation

See also Parks.

Playground and Recreation Association of America. Indianapolis recreation survey, prepared for the Indianapolis Chamber of Commerce, January–March, 1914. 60 p. 8°.

Schools

Bureau of Municipal Research, Dayton, O. Over-age and progress in the public schools of Dayton. Made in coöperation with the Ohio State School Survey Commission. April, 1914. 46 p. **Cc; Cm; Cs; Np; Sp.**

Cleveland, O. Chamber of Commerc Industrial education in the Cleveland public schools. A report with recommendations by the Committee on Education of the Chamber of Commerce. Approved April 13, 1914. 7 p. 8°. **Np.**

Municipal University of Akron. College of Engineering. Coöperative plan. Announcement for 1914–1915. 19 p. 8°.

First announcement. The school year opens September, 1914.

Sewers

Omaha, Nebraska. City Engineer's Office. Sewer map of Omaha. 1914. 21 x 15 inches. **Np.**

Signs and Billboards

Providence, R. I. An ordinance to regulate the construction of signs over sidewalks. Approved April 17, 1914. 2 leaves. **Np.**

Smoke Abatement

The Industrial World, of February 2, 1914, is an annual smoke prevention review number.

Benner, Raymond C. Papers on the effect of smoke on building materials. 1913. 58 p. (Mellon Institute of Industrial Research, Smoke Investigation bulletin no. 6.) **Cm; Cp; Cs; Np; Sp.** ✓

Cleveland, O. Chamber of Commerce. Report of the Committee on Smoke Prevention. March 11, 1914. 7 p. 8°. **Cp; Np.** ✓

Commercial Club, Salt Lake City, Utah. Report of a special committee to investigate the causes of the smoke ?

nuisance in Salt Lake City. April, 1914. 3 folios, typewritten. **Np.**

Outline of a course of procedure which should be pursued by the committee which actively takes up the matter of smoke elimination.

Snow Removal

FETHERSTON, JOHN T. Clearing streets of a snowbound city. (Engineering Record, March 28, 1914, p. 352–355, illus.)

Mr. Fetherston is Commissioner of Street Cleaning; New York City. The report here listed was prepared for the Philadelphia Snow Removal Conference.

ROURKE, L. K. Methods of handling snow in Boston. **Np.**

Typewritten copy only seen. Mr. Rourke is Commissioner of Public Works in Boston, Mass. The paper, of which the above is the title, was forwarded to the Philadelphia Snow Removal Conference, and had not, at this time of writing, been printed.

SHERRERD, MORRIS R. Snow removal as a field for engineering study. 1914. **Np.**

A paper read before the Snow Removal Conference in Philadelphia, in April, 1914. Typewritten copy only seen. Mr. Sherrerd is chief engineer of the Board of Street and Water Commissioners of Newark, N. J.

Social Betterment

CHICAGO, ILL. An ordinance recommended for passage by the Committee on Judiciary, State Legislation, Elections and Rules. Passed March 23, 1914. 1 leaf. **Np.**

The ordinance created a Department of Public Welfare, to include a Bureau of Employment operating a municipal lodging house for men and women respectively, and also charged with the collection of information relative to working conditions, wages, hours of labor, unemployment, etc., in Chicago. In addition to the Bureau of Employment there is established a Bureau of Social Surveys which is to collect data relating to the actual living conditions in Chicago, facilities for recreation, causes of vagrancy, crime and poverty.

DENVER, COLO. Social Welfare Department. First annual report for the year ending December 31, 1913. **Np.**

First report under the commission government. The Department of Social Welfare comprises the Election Commission (elected) and the offices of county superintendent of schools, coroner, commission of charities and corrections, library commission, health commission and market master and morals commission. The charities commission, in addition to the customary institutional activities, has charge of the municipal coal yard, the municipal lodging house, the municipal free employment bureau, and the operation of the mother's compensation act.

INTERCHURCH FEDERATION OF PHILADELPHIA. Commission on Social Service. Outline of a social service survey for the community. March, 1914. 12 p. **Np.**

Address the Secretary, Mr. Wm. B. Patterson, 406–407 Empire Bldg., Philadelphia.

INTERNATIONAL CONGRESS ON HOME EDUCATION, 4. Philadelphia, September 22–29, 1914. Tentative prospectus. 27 p. **Np.**

General Secretary: Mrs. J. Scott Anderson, Torresdale, Philadelphia.

Social Centers

UNITED STATES. District of Columbia. Committee (Senate). Regulating the use of public school buildings and grounds in the District of Columbia. Report to accompany S. 4316. March 30, 1914. 25 p. **Np.**

To promote the use of schoolhouses as social and civic centers. Pages 13 to 25 comprise Mr. Edward J. Ward's address before the National Education Association, at St. Louis, February 28, 1912.

Social Surveys

PENNSYLVANIA. Secretary of Internal Affairs. Part 3. Bureau of Industrial Statistics. Fortieth annual report, 1912. 1914. 497 p. **Np.**

In part two of this report, comprising pages 196–319, there is a series of "Sketches of special studies and investigations concerning industrial and sociological conditions of Corry and Union City, Hazleton, Huntingdon, Lewistown and Tyrone, Northumberland County, Sunbury, Northumberland, Milton, Mt. Carmel and Shamokin, Venango County, Oil City, and Franklin and Warren."

Streets

CITY CLUB OF MILWAUKEE. Communication to the Common Council of Milwaukee from the City Club of Milwaukee, Committee on Street Lighting. Subject: The pending question of street lighting in Milwaukee. 1914. 4 leaves. 4°. **Np.**

Cleveland, O. Chamber of Commerce. Cleveland pavements. A report of the Municipal Committee of the Cleveland Chamber of Commerce. 30 p., 1 diagr. 8°. **Np.**

On page 30 there is a table showing the apportionment of cost of pavements in fifty American cities.

Municipal Journal [of New York]. Street paving statistics; official figures from about 700 cities; amount of paving done in 1913; amount contemplated for 1914; etc. (Municipal Journal, March 5, 1914, p. 304–330.) **Cp; Cs; Np; Sp.**

University of Iowa. Extension Division. Bureau of Municipal Information. Street Lighting by A. H. Ford. 1914. 15 p., plan. 8°. **Cc; Cj; Np.**

University Extension Bull. No. 1, April 25, 1914. New series no. 75.

Taxation

City Club of Milwaukee. Increased taxes in Milwaukee 1904–1914. Their causes and their significance. 1914. 25 p. **Cc; Cj; Cp; Np; Sp.**

The result of an investigation by the civic secretary under the direction of the committees on county administration, school affairs, street paving, street sanitation, public buildings and bridges, sewerage and water supply, public health, and municipal finance and accounting.

Ormond, William C. Assessments for local improvements, by William C. Ormond. The Municipal Engineers of the City of New York. Paper no. 89, presented May 27, 1914. 32 p. 8°. **Cm; Np.**

St. Louis, Mo. Civic League. A plain statement to citizens and tax payers. April, 1914. 8 p. **Np.**

A pamphlet prepared by the Municipal Finance and Taxation Committee of the League, showing by numerous graphs, as well as directly worded text, the desirability of favorable action on the proposed new charter in order to obtain power to develop revenue-producing public services, to revise the assessing system, to get home rule in taxation, etc. Address: 911 Locust St., St. Louis, Mo. A similar report and chart for Minneapolis, prepared by the City Statistician, H. A. Stuart, is printed in the Minneapolis Daily News of May 5, 1914.

Traffic Regulation

Cincinnati, O. Police Department. Rules and regulations of street traffic. April 1, 1914. 30 p. 16°. **Cp.**

Cleveland, O. An ordinance to regulate traffic on the streets. April 29, 1914. **Cm; Cs; Np; Sp.**

In Cleveland City Record, May 6, 1914, pp. 26–8.

New York State. State Department. Traffic regulations. Local ordinances relating to speed and traffic regulations; pursuant to the provisions of sec. 288 of the Highway Law of the State of New York. Albany, J. B. Lyon Company, 1914. 111 p. 12°. **Cm; Np.**

Massachusetts. Statutes. An act to prohibit the overcrowding of cars of street and elevated railway companies. January, 1914. 3 p. 8°. **Cm.**

House documents, 1914, no. 306. In this connection it may be of interest to refer to the decision filed on June 3, 1914, by Justice Swayze of the Supreme Court of New Jersey, upholding a passenger's refusal to pay on the ground that he had no seat in a street railway.

Philadelphia, Pa. Department of City Transit. Rapid transit development with universal free transfers. Reply of the Department of City Transit to proposals of March 25, 1914, by the Philadelphia Rapid Transit Co. April 7, 1914. 22 p. **Np.**

Transportation

New Transport Co., Ltd. London. Economic transport and the goods clearing house system; lecture delivered by Mr. A. W. Gattie, December 9, 1913. 19 p., illus., foldg. diagr. 8°. **Cc.**

Unemployment

See also Municipal Labor Bureaus.

Chicago, Ill. Mayor's commission on unemployment. Report. March, 1914. 175 p. 8°. **Cp; Cm; Cs.**

Vocational Guidance

The titles below are of course but a small portion of those published on this subject during the last quarter. The monthly bibliography bulletins of the federal Bureau of Education will give all the more important titles.

New York City. Board of Education. Report of a sub-committee of the Committee on High Schools and Training Schools on a plan of study of the matter of vocational guidance. April, 1914. (Minutes of the Board of Education, 1914, p. 856–923.) **Np.**

The report was ordered printed in pamphlet form, but has not been seen in that form by the compiler.

Roberts, W. M. The development of part-time education for apprentices in Chicago. 1914. 12 p. 8°. **Cj; Cp; Cs; Np; Sp.**

Reprinted from the Educational Bi-Monthly, February, 1914.

Water Supply

Commonwealth Club of California. Transactions, vol. 9, no. 1. February, 1914. **Cc; Cm; Cs; Np.**

No. 1. The bay cities' water supply. 96 p., 1 map.

Municipal Journal, New York. May 7, 1914. Water works statistics. Figures furnished by the superintendents of 500 water works plants, both municipal and private—consumption, meters, distribution system, purification methods. p. 656–673. **Cp; Np; Sp.**

Muskogee Water Power Co., Muskogee, Okla. The Grand River Dam. Contract and Ordinance. 1914. 8 leaves. 8°. **Np.**

Portland, Ore. Statistics relating to water works, municipal and private. Statements from 72 cities, population ranging from 50,000 upward. 1914. 11 p. Oblong 12°. **Np.**

In this connection, reference may appropriately be made to the tabulation of statistics of water supplies of 22 cities of California on p. 59 of the fifth annual report of the water department of San Diego, Calif., for the year ending December 31, 1913.

St. Louis, Mo. Public Service Commission. Report on the St. Louis water works. 1914. 200 p., maps, diagrs. 8°. **Cm; Np; Sp.**

The Commission no longer exists, this report, just issued, being its last duty. Copies are available through the Municipal Reference Library, City Hall, or from the Water Department, same address.

Weights and Measures

Chicago, Ill. Department of Weights and Measures. Specifications and tolerances for weighing and measuring apparatus in the city of Chicago. January 5, 1914. 20 p. 8°. **Cp.**

Zoning

Minneapolis, Minn. Ordinance designating a residence district within the City of Minneapolis. Passed April 24, 1914. **Np.**

Seen only as published in the Minneapolis Daily News of May 2, 1914. This newspaper prints the texts of ordinances and the council proceedings of the city currently in full. Subscription rate $2.00 per annum.

New York City. Report of the committee on the city plan of the Board of Estimate and Apportionment submitting a resolution for the appointment of a commission on building districts and restrictions. May 8, 1914. 5 p. 8°. **Cc; Np.**

Williams, Frank Backus. Building regulation by districts; the lesson of Berlin. April 1914. 9 p. 8°. **Cj; Cp; Cs; Np.**

National Housing Assoc. Publication no. 24.

THE MORTON DENISON HULL PRIZE

The NATIONAL MUNICIPAL LEAGUE, through the generosity of Hon. Morton Denison Hull of Chicago, has established an annual prize of Two Hundred and Fifty Dollars, to be awarded for the best essay on a subject connected with municipal government. The competition is open to post-graduate students who are, or who have been within a year preceding the date of the competition, registered in any college or university of the United States offering distinct and independent instructions in municipal government.

For the year 1914, the prize will be awarded for the best essay on any one of the under-mentioned topics:

1. The history of municipal government in the United States during either one of the following periods: (a) from the Revolution to the Civil War; (b) from the Civil War to the present time.

2. The charter and the practical workings of government in any American city having a population of 50,000 or over.

3. The legal problems involved in the home-rule charter, with special reference to the experience of those states in which the system has been in operation.

4. The actual operation of the following features in American municipal government: (a) the initiative and referendum; (b) the recall; (c) proportional and minority representation; (d) limited and preferential voting.

5. Public utilities' commissions, with special reference to the control of municipal public utilities in any state of the Union.

6. Municipal accounting and budget-making, with special reference to the actual results derived from the use of new and uniform methods.

7. The sources of municipal income in any state of the Union. (The study should deal with such matters as productiveness, cost of collection, and a general outline of each source. Competitors who think of choosing this subject should make sure that it has not been already covered by some published study, as, for example, in the case of Illinois).

8. The municipal charter system, whether general or special, in any state of the Union which contains at least two cities of more than 50,000 inhabitants.

9. The development, present extent, and actual results of municipal ownership and operation of public utilities in American cities.

10. Nomination methods and election machinery in cities, with special reference to ballot reform.

Any suitable subject not included within the above list may be selected by a competitor provided it be submitted to the Secretary of the League and approved by him at least thirty days before the time set for the close of the competition.

The essays should not exceed 20,000 words, and must be typewritten in duplicate. They should contain marginal or foot-note references to the authorities consulted. Essays must be mailed in duplicate, or delivered to an express company, not later than September 15, 1914. (Essays in the competition of 1915 will be called for not later than June 1.) They should be addressed to Clinton Rogers Woodruff, Secretary of the National Municipal League, North American Building, Philadelphia, Pa., and marked *"For the Hull Prize."* The name of a competitor must not appear on the essay. A fictitious name or some other designation must be given instead, and the real name of the competitor (together with university and home address) must be enclosed in a sealed envelope accompanying the essay.

The prize will be awarded by a board of judges selected by the Executive Committee of the National Municipal League.

No essay which has already been published will be considered as eligible for the prize. The National Municipal League shall have the privilege of printing the successful essay or any portion of it.

For additional details concerning the scope and conditions of this competition, inquiries may be addressed to the Secretary of the League, or to the Chairman of the League's Committee on the Administration of this prize.

On behalf of the NATIONAL MUNICIPAL LEAGUE,
Clinton Rogers Woodruff, *Secretary.*

COMMITTEE ON THE HULL PRIZE.

William Bennett Munro, *Chairman,*
Harvard University, Cambridge, Mass.
Leo S. Rowe,
University of Pennsylvania,
Philadelphia, Pa.
Howard L. McBain,
Columbia University, New York City.

March 31, 1914.

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NATIONAL
MUNICIPAL REVIEW

VOL. III, No. 4 OCTOBER, 1914 TOTAL No. 12

DO WOMEN VOTE?

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Denver, Colorado

THE arguments against equal suffrage are slowly giving way before its triumphant onward march. Perhaps the most ancient of them, which is still in good and regular standing, is the hoary statement that women will not vote, or if they do, at first, as soon as the novelty of the new toy wears off, they will cease to take an interest in political affairs.

Wyoming is merely a green spot far away on the map of the United States to most people, with so few people within its borders that nothing they did would matter much, one way or another. But Colorado has close to a million people, and the women have had the ballot for twenty-one years,—long enough for a whole generation to reach their majority, so it should be possible to come to a pretty accurate estimate from the facts and figures in that state as to the relative vote of men and women.

When you ask the militant suffragist whether Colorado women vote, she replies with an unhesitant affirmative. She says, quite truly, that practically all the women she knows vote. She says she has taken pains to go into other precincts than her own, and she finds women voting as generally as men. The anti-suffragist, and she exists even in Colorado, insists on the other hand that her women friends hardly ever vote, and probably they don't. The "unprejudiced observer" of the workings of suffrage from a car window of the limited express, halts at a polling place at 7.30 A. M.—the polls being open from 7 A. M. to 7 P. M.—and straightway writes it down in his trusty note-book that not a woman was visible. If he happens to be making his return trip about 3 P. M. he finds that men show little interest in the franchise, and the polls appear to be in the hands of the women. Sometimes he infers that the majestic male refuses to take half a loaf, since the other half has been given to his partner and has ceased voting, and now and then he takes a photograph of a proud and happy old lady with her hand on the arm that never has failed her, making her way into the polling place.

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[1] Mrs. Meredith was elected to the office of election commissioner in May, 1910, and is now president of the commission.

Several times since the enfranchisement of women in Colorado, November, 1893, returns have been secured from the various counties of the state, showing the proportion of votes cast by women. This ranged from fifty-two per cent in El Paso county down to thirty-seven per cent in Huerfano county. El Paso county contains rich and aristocratic Colorado Springs, Colorado College, the state school for the deaf and blind and that pillar of fire of the antis, Mrs. Elizabeth Cass Goddard. The latter section, as its name implies (orphan) needs mothering; the only parent it possesses is the Colorado fuel and iron company; many of its residents are foreigners and its population is largely fleeting.

In order to make a comparison of the number of men and women voting, it is necessary to explain something about the conduct of elections in Denver, the scope of this article not extending beyond that city. To be eligible to vote, the elector must have lived in the state a year, the county ninety days and the precinct ten days, be an American citizen and be registered. The judges sit as a board of registration on the third and fourth Thursdays before election day and the voter may repair thither and register himself and his entire family, including servants; or, he may register not to exceed three lodgers. In either case he must be known to the judges of the election, and make oath as to the qualifications of each person registered by him. Every person failing to vote at any regular election has his name stricken from the lists. Persons voting are retained on the registration books, and their names copied into the new books furnished the judges before the next registration day. Changes of registration may be made at the office of the election commission up to ten days before election, but no new registrations except before the state primary election. Names are not stricken after special elections which occur in Denver about as regularly as the regular kind. Since the regular election of May, 1910, there have been two regular city elections, one primary and one state election and three special elections. The adoption of the preferential system of voting in city elections abolished the primary so far as Denver is concerned, since it does away with parties and every voter has to stand—and most of them did stand—or run on his own merits. Under the preferential system one may vote for a first and a second choice; on the third choice he may vote for as many as he pleases, the object being to make it possible to combine the field against some undesirable candidate. But one election has been held involving this new plan of voting, and so far it is still on trial with opinion divided as to its success. Probably all election officials would join with the professional politician in denouncing it roundly, for it certainly increases the difficulties of counting very materially.

There are three judges and two clerks in each election precinct, and of the 540 judges at the special election held February 14, 1914, 267 were women. There is no rule about this, and the number fluctuates from one election to another. In city elections the election commission appoints the judges and in the state and primary elections the appointments are made from lists furnished by the chairman of the political parties having cast the highest and next highest vote. There must not be more than two judges of one political faith in a precinct nor more than one clerk; the number of judges alternates—say two Democrats and one Republican in the odd numbered precincts and two Republicans and one Democrat in the even numbers. Ordinarily the county chairmen draw lots to determine, the advantage being with the odd numbers, there being five districts that have odd numbered precincts, while the remaining twelve are even. For instance, in District O there are seventeen precincts, eight even numbers and nine odd. Voting places are usually in private houses, stores, store-rooms or churches. In several precincts elections are held in the fire stations, and in several others in the basements or guild halls of churches. The small portable house in use in the east in many places is not likely to meet with favor where women act as election officials on account of the absence of toilet facilities, the odor from the kerosene lamps and the necessity to keep up one's own fires. There are precincts where it is difficult to find a place to hold an election, there being nothing but handsome residences whose owners are loth to let them for that purpose. In such places recourse is sometimes had to garages. The requisites of a polling place are space, heat, light and a central location. The small sum paid out, five dollars for each registration day and ten dollars for election day, make an oasis in the desert of a winter of hard times for many a family. The registration can be held in a comparatively small room, since there are seldom many persons to register; fifty during the course of a day is considered a phenomenal number, although it is estimated that thirty per cent of the population of Denver moves every year, necessitating a change of address, which, as I have stated, is done at the office of the election commission.

But now for the vote of the women as compared to that of their brothers.

Statistics are like the spelling of the English language—safe only in the hands of very well educated people. As I write there lies on the desk beside me the tables showing the registration and vote of men and women respectively for every precinct in Denver at the last presidential election and the succeeding city election in the spring of 1913, and as I look them over they remind me of the man who managed to spell coffee without using a single letter that appears in the word according to Webster; yet, if k-a-u-g-p-h-y doesn't spell coffee, what does it spell?

In the spring election of 1912 a phenomenal vote was polled. Denver's population is about 213,000 and the returns showed 75,000 votes cast, in round numbers. Why did it drop to 60,000 the following fall, with Progressivism spreading like a prairie fire, the Democrats whooping it up as if the donkey had at last caught sight of his master's crib, and the "regular" Republicans bent upon the thought that revenge is sweet? The answer is to be found in local conditions that reached fever pitch in the spring. It was the last battle of the old "machine" before

It went to pieces all at once,
All at once, and nothing first,
Just as bubbles do when they burst.

A suspicious person might be moved to inquire whether some of the methods that have brought disgrace upon the city in the past might not have been employed. Probably everyone who could be prevailed upon to vote did so, but there were no charges of coercion, and with watchers in every precinct, alert to detect anything that even smacked of irregularity, there wasn't a precinct where so much as a charge of fraud was made. Moreover, the victorious ticket was not in control of the police or any part of the city government, and while the election machinery was nominally in the hands of the election commission, under a court decision reversed by an initiated law the following fall, the judges were appointed by the Democratic and Republican county chairmen, as is still the case in state elections.

Given the figures, unless one is familiar with the facts behind them, they confuse rather than enlighten. Let us take as a particularly good example the figures for District A, which shows a decrease of more than 30 per cent between the city election in the spring, and the national election in November.

DISTRICT A

	Reg'd	Votes	Women Reg'd	Men Reg'd	Women Voting	Men Voting
Precinct 1	519	320	227	292	126	194
Precinct 2	560	323	168	392	88	233
Precinct 3	519	294	191	328	94	200
Precinct 4	564	341	295	269	137	204
Precinct 5	404	299	176	228	129	170
Precinct 6	498	342	237	261	157	185
Precinct 7	435	322	188	247	138	184
Precinct 8	530	339	219	211	123	216
Precinct 9	516	371	242	274	169	202
Precinct 10	549	392	231	318	155	237
Precinct 11	564	417	245	319	158	259
Precinct 12	466	313	227	239	145	168
	6,124	4,073	2,646	2,478	1,619	2,454

Why the discrepancy between the registration and the vote? In District B the same startling condition appears. With a registered vote of 4,591, but 2,628 votes were cast, and the men cast 1,884, or practically 60 per cent of them from a registration of 3,178, while the women cast but 744, or 52.6 per cent votes out of a registration of 1,413. In Districts C and D a similar condition exists. The explanation is very simple. These four districts all of them border on Cherry Creek or the Platte river. Early in June of 1912 one of the most disastrous floods in the history of the city occurred. A cloud-burst sent the creek upon the rampage, and as it empties into the river that also overflowed its banks. In District A, eight out of the twelve precincts were in the submerged region. The land lies low, is an old part of the city, and many houses were demolished, or so filled with mud and water that they were not again inhabited. The people had voted in the spring, so their names remained upon the books, but they were driven from that part of the city. This is the case, to a greater or less extent in all four of these districts. In addition to this, District B embraces the heart of the business section. Within its borders are grouped most of the cheap lodging houses, occupied by men, which shows why so many more men than women are found on the books, and it accounts also, in part at least, for the decline in the vote. These men come and go, and while Denver is technically their home, probably many of them were away in the beet-fields, more interested in getting the wages that would pay the lodging house charge for the winter than in national affairs.

The next table is that of District E. This is the eastern section of the city, known as "Park Hill," and not yet built up. Numerically, it is the smallest district in the city. There are many handsome homes there, and a large percentage of home-owners.

DISTRICT E

	Reg'd	Votes	Women Reg'd	Men Reg'd	Women Voting	Men Voting
Precinct 1	135	133	51	84	51	82
Precinct 2	505	438	248	257	207	231
Precinct 3	332	255	169	163	119	136
Precinct 4	409	308	199	210	134	174
Precinct 5	179	127	90	89	63	64
Precinct 6	426	318	119	227	144	174
	1,986	1,579	956	1,030	718	861

In the first precinct it is noteworthy that all the women registered voted, and all the men but two; in the fifth, ninety women and eighty-nine men registered and sixty-three women and sixty-four men voted, which makes two in favor of the men.

Someone will be sure to look anxiously for the figures showing the vote of the "bad women" who loom large on the horizon of certain fearful ones. After the spring election of 1912 we counted the women registered in the three precincts within the "red-light district." They showed 176 women registered and 143 voting. A number of these were evidently respectable women; at least when one finds John Jones and Jennie registered from the same address, and John is a hod-carrier and Jennie a "housewife" it is fair to assume that she is, to use the phase so dear to the eighteenth century writers, "an honest woman."

This district has been abolished for more than a year. The empty houses stand there, grim and forbidding, and, at last, thank God, forbidden. Some of the women have gone away; others have moved to other parts of the city, but this infernal plague spot, an evil naked and unashamed no longer exists in Denver, though attempts are being made to reopen it, which have led to recall petitions and the resignation of one police official. Probably a recall election will have been held before this article appears.

Some curious sidelights appear in going over tables of this kind. In District F, Precinct 1, the population is mainly American; 216 women registered and only 127 voted, while out of 270 men who registered, 217 voted. In Precinct 3 which has a number of foreigners, 243 women registered and 155 voted—about three fifths, and of 309 men registered 241, or about 78 per cent voted. In Precinct 9, largely Italian, 250 women registered and 172 voted, while 277 men registered and 216 voted, while in Precinct 10, which has the same kind of population, 118 women registered and 71 voted, and 163 men registered and 115 voted.

The only other district in the city which has a large number of foreigners, is R. In the four precincts, sometimes referred to as Judea, where a large number of Russian Jews have their homes, 658 women registered and 477 voted, or 72.5 per cent, a much better per cent than in some of the purely American precincts. In the same precincts, the men cast 78 per cent of their registered vote.

Suppose we contrast this with District S, the southern part of the city, with many small homes, and well-to-do American born citizens. Out of 1,335 women who registered, only 909, or 67½ per cent voted, and of 1,646 men registered, only 1,270, or 77 per cent went to the polls. In Precinct 8, where Denver University is located, 179 women registered and 123, or 70 per cent voted, and 192 men registered, while 156, or 80 per cent voted.

In District O, which has been described by a resident of Capitol Hill, with quite unconscious sarcasm, as "that poor part of the city where everybody owns their own homes," there was a total registration of 3,567 women of whom 2,496, or 70 per cent voted, while out of 3,990 men registered, 3,104, or 78 per cent voted. In District J, which is the rich part of the city, where a good many people own their own homes also, and it is difficult to find places to hold elections, or men and women willing to serve as judges and clerks, more women registered for the national election than men—3,696 women against 3,596 men, but 922 women failed to vote as against 658 men. Of course there is an explanation, but who shall say what it is? This is normally a conservative, Republican district, but the Republican vote in the primaries made it obvious that the fight was between the Progressives and the Democrats. There are a good many people who don't see any use of voting unless one can be on the winning side, and this may account for the discrepancy. It is an excuse rather than a reason, but that is so of anything that keeps an American citizen from voting when he can. Concerning this sin of omission, I wish it were possible to din the words of Washington Gladden into the ears of the American people "'Inasmuch as ye did it not' was considered just ground for damnation."

At the primary election, by the way, 22,290 votes were cast, the Progressives not taking part, as the law provides only for parties having cast a certain vote at a preceding election.

In February, 1913, a special election was held, amending the city charter, and changing from the ordinary to the commission form of city government. There was a hotly contested campaign, with the usual amount of misinformation; it was known that being a special election no one's name would be stricken from the books for failure to vote, and as a result the total dropped to 29,800, less than 50 per cent of the vote cast in the fall. As provided for in the commission form amendments, which were adopted by a majority of 4,840, an election to choose commissioners was called for May 20, 1913. There were elected at that time, five commissioners, finance, safety, property, improvements, public works and social welfare being the departments, also an auditor. There were 135 candidates in the field of whom five were women, but the argument that a multiplicity of candidates will result in getting out a full vote did not prove true for the total vote was 46,141, less than 63 per cent of the registration, and over 14,000 less than the vote polled in the fall.

One of the various things that keeps the life of an election official from growing monotonous is the tendency of each legislature to make new election laws, and the latest assembly passed a law providing for the further restriction of the ballot by making the voter take the oath of total physical disability before the judges can render any assistance. As an initiated law for the headless ballot was adopted at the 1912 election, it naturally followed that there was a decrease in the few precincts that have a large foreign vote. In the same precincts in District R where the Russian women had cast 477 votes in the fall, they polled but 384 in the spring. The decrease in the vote of the men was not so noticeable. But the decrease was noticeable all over the city, where no new law had any effect as well as in the foreign precincts. District E came the nearest to polling its normal vote, the figures showing that it comes within 20 per cent of the vote cast the preceding fall.

DISTRICT E

	Reg'd	Votes	Women Reg'd	Men Reg'd	Women Voting	Men Voting
Precinct 1.......	157	107	59	98	37	70
Precinct 2.......	529	344	256	273	142	202
Precinct 3.......	302	177	150	152	69	108
Precinct 4.......	380	249	176	204	98	151
Precinct 5.......	138	99	66	72	40	59
Precinct 6.......	365	235	165	200	87	148
	1,871	1,211	872	999	473	738

The loss in the other districts ranges from 21 to 28 per cent and is about the same among men and women, if anything fewer women voting than men. District T gives a good average. It has some very poor homes and some very handsome ones within its boundaries, and none of the precincts are large in point of territory, so that it is easy for voters to get to the polls if they care to do so, yet the same discouraging tendency is but too evident.

DISTICT T.

	Reg'd	Votes	Women Reg'd	Men Reg'd	Women Voting	Men Voting
Precinct 1.......	556	317	261	295	138	179
Precinct 2.......	242	157	107	135	67	90
Precinct 3.......	405	227	175	230	87	140
Precinct 4.......	384	240	175	209	98	142
Precinct 5.......	492	282	255	237	139	143
Precinct 6.......	621	361	314	307	170	191
Precinct 7.......	551	320	288	263	150	170
Precinct 8.......	498	294	244	254	134	160
Precinct 9.......	513	329	255	258	149	180
Precinct 10......	501	292	228	273	125	167
Precinct 11......	319	188	152	167	79	109
Precinct 12......	589	303	299	290	136	167
	5,671	3,310	2,753	2,918	1,472	1,838

At the special election held February 14, 1914, to vote upon the purchase of the privately owned water plant, several other propositions and the issuance of bonds, necessitating two ballots, one for taxpayers only, there was a heavy registration, yet the total vote dropped to 34,238, nearly 12,000 less than in the spring.

The simple truth is that Denver has had elections until the town is tired of them, and perhaps the women are more tired than the men because they think they don't understand the political situation so well. The average man may not be a student of public affairs but he thinks he understands politics; like the man from Boston, you can always tell him, but you can't tell him much.

It would be easy to remind the reader that there are 116 and nine tenths of a man to every 100 women in Colorado, and that this accounts for a considerable number of votes, but it is very doubtful whether there are that many more men than women in Denver. These figures take in metaliferous and coal mining camps and localities where women are few. I have heard it claimed that there are more women than men in Denver, and while I do not think this is probable, on the other hand, much as I should like to give the derelict woman voter the benefit of the doubt, neither do I believe that there is any great preponderance of male voters. If we take the table of figures for the 1912 election, some facts are very evident.

With a population of 213,000, it is conceded that the registration of 84,000 comes within a few hundreds of the total voting strength of the city. There are 51,480 children of school age, according to the school census; there are many more under school age, and a good many thousand who are at work, or at home who have not attained their majority. Beside these there are the usual number of feeble old people who do not get out much, and a considerable population of transient health-seekers who do not regard Denver as home. The registration simply stands for the good intentions of the people, and is but an example of how far promise exceeds performance. At the time of the election the decrease was accounted for by the discontinuance of the use of carriages. Voters must get to the polls without the aid of gaily decorated automobiles, heralding the prowess of this or that candidate or party now. Some of them were not aware of the change and waited for the carriage that never came, and others who have grown to look upon their vote as a favor bestowed rather than a duty performed, withheld it when it wasn't made easy and pleasant to give. The sins of the stay-at-home voter are no new thing, unfortunately, nor is the condition confined to Denver. This is the weak link in the chain of democracy. If Tennyson's dream is ever realized and a realm is held in awe "by the common-sense of most" it will have to be a good, active, working common sense. That women are no better as citizens than men ought not to be a surprise. In the families where father and husband and son never fail to vote, mother and wife and daughter do not fail. Where the men-folk are indifferent, the women are not apt to be enthusiastic. In considering these conditions I have often been reminded of something that Sarah Platt Decker said when the club movement was new. Each year, as it came time to pay our dues some of the women were wont to talk about "joining the club again this year," or not doing so. "You join the club once," she said. "After that you have certain duties to perform as long as you stay in it. You may resign, or you may be dropped for non-payment of dues. There is no other way out."

A good many people look at the vote in the same way,—maybe they will exercise it this year, and perhaps not, instead of thinking of it as the dues we owe our country so long as we stay in it. I would like to claim more for the women of Denver, but these are the facts. Perhaps facing them will help us to mend them.

THE PLACE OF THE PUBLIC LIBRARY IN THE ADMINISTRATION OF A CITY

BY WILLIAM A. SCHAPER[1]
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THE introduction of the new types of city charters in recent years has necessitated the regrouping of municipal ativities in order to bring them all under the supervision of a few central directing authorities. In the early commission charters this regrouping was accomplished in a very summary fashion.[1] The existing departments and functions were distributed among five commissioners without following any discoverable principle unless it was that of convenience or local caprice. The public school system, in these charters, was usually left as formerly under an independent board. The public library was assigned at random to some one of the central departments such as public buildings, finance, public safety, or to some other wholly unrelated function, or else, it was allowed to remain under an independent library board.

In some of the more recent charters there is evident an attempt, at least, to regroup municipal functions according to some definite system. The new Cleveland charter is perhaps the best example of such a rearrangement, but in this the public schools and libraries are not included. The new St. Paul charter, while retaining the old departments to a large extent, marks a change in placing the public schools and the public library under one of the seven commissioners. The proposed Minneapolis charter, rejected in 1913, contained a systematic grouping of functions on a new plan, the public schools and libraries being placed in charge of an elective board of seven members whose president is given power equal with one of the seven city commissioners in making the annual budget.

It is not my purpose to discuss in this article the problem of the proper grouping of municipal activities and their organization into departments, but rather to consider the place that the public library should occupy in such a scheme. Before proposing anything new in the relation of the library to the city's other functions, let us see how the plan now prevailing was developed.[2]

The first modern free city library, and the one that blazed the trail so distinctly for the many that have followed, was the public library of Boston, which opened its doors in 1854, but which was clearly projected as early as 1847.[3] The movement was started by an international peace enthusiast, a French actor by the name of M. Vattemare. It was in furtherance of his dream of promoting world peace through an international exchange of scientific, literary and artistic productions that he induced the city of Paris to present to the city of Boston a considerable number of books, the very first of that celebrated collection forming the public library. The necessity of suitably acknowledging and storing these books led to the appointment by the city council of a joint committee on the library under whose direction the Boston public library was founded and operated for many years.

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[2] "The Public Library in Commission Governed Cities" by Alice S. Tyler. NATIONAL MUNICIPAL REVIEW, vol. ii, page 255.

In the actual founding of the library the international aspect of the project was soon overshadowed by another which made a more direct appeal to the people of Boston and which was at the same time the real justification for the public library movement then inaugurated. This view was expressed by Edward Everett in letters to the mayor of Boston and is thus summed up in a concluding sentence in a letter dated June 7, 1851:

> I cannot but think that a public library well supplied with books in the various departments of art and science, and open at all times for consultation and study to the citizens at large, is absolutely needed to make our admirable system of public education complete; and to continue in some degree through life that happy equality of intellectual privileges which now exists in our schools, but terminates with them.

This interpretation of the public library greatly strengthened the cause. A library free to all was but a necessary step forward in universal public education,—a sort of continuation school. The city through its schools had taught the masses how to read; but had so far failed to supply the necessary books. As a result only the few who could afford the luxury of books at home or memberships in private library associations made an adequate use of their ability to read after their school days were over. So imbued were the fathers of the first public library with the idea that it was a part of the free educational system that in 1852 they requested the use of the ground floor of the Adams school in Mason street, for housing the library. Here the Boston public library was opened May 2, 1854, and remained until January 1, 1858, when the first central building was ready for occupancy.

Conceiving the public library as a part of the free school system, its founders gave this new institution an exceedingly democratic and liberal spirit. It was to be open to all without charge, with as little ceremony as possible, and with only such restrictions as were absolutely necessary, the object being to induce all classes of the people to read. In order not to offend the traditional New England antipathy against taxation, the statement was given out that the city would not be expected to buy the books, but that these would be largely donated, the city supplying library space and the necessary services of a custodian.

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[3] Wadlin; The Public Library of the city of Boston.

The spirit of giving to the library was thereby awakened. Mr. Everett offered his valuable and rare collection of public documents. Joshua Bates, then associated with the Barings in London, offered to supply all the funds needed for the purchase of books by the library during the rest of his life, estimating the sum at $50,000. When the trustee suggested that this sum be funded and that only the proceeds be used for the purchase of books, he consented and added $20,000 for immediate purchases in order that there might be a good collection when the library opened. Mr. Bates, remembering the winter nights in Boston when he as a boy, having neither heat, light nor books in his room, frequented a book store where he was permitted to sit and read from the stock, urged that "large, well-lighted rooms, well-warmed in winter" be provided. In later letters he suggested that the library building should be supplied with every comfort and convenience and should be lofty and elevating in architecture, awakening in every citizen a pride that such a place is free to him. Many others made donations according to their means, and so the books were assured, but of course very large additional funds for the purchase of books were granted by the city in later years.

The response from the reading public of Boston was equally reassuring. In the first six months over 6,500 persons called for over 35,000 books. The novel freedom allowed in the taking of books from the library for home use had not been abused in a single instance. The fathers of the free library movement exhibited an inspiring faith in the bookless people of the cities and correctly gauged their desire and capacity for reading. They felt that the example they were setting would be followed by every American city.

The place of the library in the scheme of city government was determined in the following manner: The joint committee of the two branches of the city council which was appointed in 1847 as noted above, recommended the establishment of a free public library and in 1848 secured the passage of a bill by the state legislature authorizing the city to levy a tax, not exceeding $5,000 annually, however, for library purposes. In 1854 Mayor Seaver suggested that five or six gentlemen interested in the new project be appointed by the council, who together with the joint standing committee should form a "board of directors or trustees for the public library." This action he explained to the city council would secure public support for the as yet untried project. The council accordingly appointed five leading men of Boston, among them Edward Everett and George Tichnor. Prior to this action the council had appointed Mr. Capen as librarian. The five citizens together with the two members of the council formed a subcommittee on the library and it was this body that drew up the first definite plan for the creation of the library and formulated those broad-minded principles governing its use that mark an epoch in library administration.

The ordinance of 1852 gave the trustees authority to make rules for the control of the library, subject to the restrictions of the council, and to appoint the subordinate employees. The librarian was to be annually elected by the council "after a recommendation of a person, in their judgment suitable" had been made in writing by the trustees. In 1857, in view of the opening of the new building and the rapid growth of the library, the trustees recommended that a man of wide learning and recognized scientific attainments be appointed with the title of superintendent, who should be given full charge subject to the trustees. They desired that the power to appoint the superintendent be vested in the trustees and that the term of office be for life, similar to that of a professor in a college. It seemed to them entirely unfitting that a man holding such a position should be annually elected by a political body.

The council, not being convinced that the services of a man of high scholarly attainments would be permanently required, the request of the trustees was granted only in part. The position of superintendent was provided for subject to termination by the council whenever in its opinion his services were no longer needed. The superintendent and the librarian were to be annually elected by the council after a suitable recommendation had been made for each position by the trustees. Though the trustees repeatedly renewed their request, it was not until the year 1865 that they were authorized to appoint the superintendent, but they were still required to also appoint a librarian, who shared with him some of the executive authority. In 1870 the superintendent became the sole executive, responsible directly to the trustees and appointed by them. His term, however, remained one year. In 1877, the historian Justin Winsor, who was then superintendent resigned because the city council attempted to regulate the salaries of the employees and to interfere in other ways with the internal affairs of the library. The friends of the public library took advantage of the situation to secure the enactment of a state law incorporating the library and limiting the power of the council to fixing annually the gross amount which was to be contributed by the city. Up to the passage of that act the Boston public library had rested upon ordinances of the city council. The act of 1877 gave the library the protection of what was equivalent to a provision of the city charter. The council retained two representatives on the board of trustees until 1885, when a law was enacted prohibiting its members from holding positions on executive boards. The trustees of the Boston public library were thus reduced to five. They are now appointed by the mayor subject to the approval of the civil service commission as to their technical fitness for the position.

In the end the trustees had become an independent board, having very little organic connection with the other branches of the city government. This is significant because the independent library board, either appointive or elective, has become all but universal. Its adoption in Boston was largely an historical accident. The first library enthusiasts made their appeal direct to the mayor and city council. The donation by the city of Paris of its valuable statistical reports and other public documents to the city led to the appointment of the library committee of the council. To strengthen this committee composed as it was of aldermen busy with other affairs and knowing little about libraries, five citizens with influence and a real vision of what the public library should be were appointed to serve under them. These five with two members of the council committee formed a subcommittee that did the real work. Naturally the subcommittee or trustees, and the aldermen did not always agree about library affairs. By a cut and fit process their differences were compromised and adjusted, the trustees gaining more and more independence and authority, until finally at the end of eighteen years they won a position practically independent of the regular city government.

The question now arises shall we accept this plan of administering the public library as final, as the best possible? The process by which the relation of the library to the city's other affairs was arrived at certainly cannot inspire great confidence. The control of the library and its relation to the other departments of the city government was evidently not deliberately planned by the founders. Their thoughts were centered on the establishment of a great public library. They merely accepted the joint standing committee of the council as the best arrangement of that time and made the most of it. In other words, the scheme of library housing and control was evolved by force of circumstances in Boston and other cities have largely copied the plan. The library having been accidentally placed under trustees, entirely independent of the board of education, the close relation of the public library to the city schools pointed out by the founders was soon lost sight of and has only in recent years been rediscovered and made much of.

It is impossible to convey an idea of the library situation as it is to-day without incorporating some statistics culled from many volumes of annual reports. The increase in the amount and variety of services rendered by the public library has necessitated a vast increase in the plant and in the staff. Starting in three rooms of a small building, the Boston public library has grown to be a great system reaching out all over the city. The central building, one of the truly worthy municipal structures in this country, represents an investment of over $2,500,000. Then there are twelve branch libraries, sixteen branch reading rooms, and smaller collections in 110 schools, sixty-one engine houses and thirty-three institutions. The library buildings and grounds owned by Boston are valued at $4,500,000 and the entire property including books and other collections is worth about $7,500,000.

The growth of the public library in many other cities has been equally phenomenal. New York has three central buildings, costing over $11,500,000, the main building on Fifth avenue, a truly palatial structure, costing about $9,000,000. The city maintains in addition about eighty-eight branch libraries and 868 library stations in schools, city departments, stores and other public places.

Philadelphia is constructing a new central building to cost over $11,000,000. There are twenty-eight branch libraries completed or in progress and more have been provided for. Chicago has a large central building, twenty-four branch libraries, and smaller collections in sixty-two schools, and 116 other stations. Cleveland is building a new central building to cost $2,000,000. There are nine large branch libraries, thirteen smaller branches, fifteen school branches, two children's branches, one for the blind, twenty-nine deposit stations, forty delivery stations, 305 school room collections, and fifty-six home libraries, in all 469 places where public library books may be obtained. Detroit has a central building, nine branch libraries, and smaller collections in thirty-one schools, twenty-eight stations and ten playgrounds.

Minneapolis has a central library, thirteen branches, and smaller collections in thirty-three stores and factories, twenty-eight schools, fourteen settlement houses, five engine houses, and other stations, making a total of 105 places where public library books may be had. Newark has a central building, seven branch libraries, thirteen small stations, forty-one traveling libraries, and 402 school room collections.

These enumerations indicate fairly the great expansion that is taking place in all of the large enterprising cities. The figures given are the latest obtainable from published reports. The growth is so rapid that the figures are out of date before the annual reports are printed and distributed. It is the avowed ambition of some library trustees to extend the public library system until every section of the city is supplied with a library building. One report reads:

> This city now has five immense high school buildings and more are needed, and sixty grade schools all complete and fully equipped for educational work. A rightly developed library system should, to furnish equally complete facilities for books and reading rooms, have as many complete library as school buildings.

The cities have but lately become aware of the fact that their costly school plants are put to use for only a small part of the working day and for only nine or ten months of the year. The wider use of the school plant is a popular slogan, and yet at this very time the educational plant is being duplicated by the erection of a set of buildings for library purposes. An outsider cannot help suspecting that the explanation of this paradox is to be found primarily in the historical accident which decreed that the schools should be managed by one independent board and the libraries by another. At any rate the existence of two distinct educational authorities, one for the schools and the other for the libraries is a very natural provocation to erect also two sets of educational buildings. The city as a whole does not in any given case deliberately adopt such a policy. The city is committed to it by the practice in other cities and by the decision of authorities that act in its name. Some duplication of schools and library buildings is inevitable and desirable. It must be equally apparent, however, that a program calling for the erection of an expensive branch library building adjoining each high school, and many of the larger graded schools, in the neighborhood parks, and in practically every organized locality that can exert sufficient influence to get one, is a program involving large public outlays that merits more careful consideration by our cities than has been heretofore given to it. The fact that a few wealthy citizens are giving away library buildings does not materially affect the case.

In the half century or more just passed municipalities have inaugurated many new services, for instance, water-works, parks, modern police and fire protection, free schools, free libraries, museums, and many others. The installation and development of these new undertakings has been entrusted very largely to independent non-paid citizen boards, having a broader outlook and more freedom of action than the city departments or the committees of the council. The public library, like most other new things, was introduced by a man with a new idea and a few enthusiasts who had faith in him. Every government should be elastic enough to permit experiments to be tried out as this one was. It does not follow that the organization inaugurating and installing a new service is necessarily the best fitted to administer it efficiently, after it is once thoroughly established. In fact most of these newer municipal services are now administered by centralized departments of the city government. The independent boards still having charge of the public schools, libraries, art galleries, museums, and other secondary educational activities will probably in course of time become an organic branch of a properly organized city government, responsive and responsible to the rising municipal democracies.

This change may be brought about by placing the entire educational establishment, including public schools, libraries, art galleries, museums, etc., under one central administrative division of the city with proper subdivisions, having ample freedom of action, separate budgets and properly protected funds. This is the solution toward which the new St. Paul charter, with all its great and glaring imperfections, is aiming.

Meanwhile, the less radical plan of the proposed Minneapolis charter will probably seem to many the next logical step to take if any change is to be made. That plan calls for the union of the public schools and libraries under one board with separate budgets, well guarded funds and a voice in the making of the annual city appropriations.

The advantages of uniting the public library system with the public school system under one central authority properly related to the rest of the city government are many, among which the following may be enumerated:

1. A marked saving in the amount spent on buildings and in their operation and maintenance.

The amount that might be saved in some cities is very large. The report prepared by Dr. F. C. Howe on the economic utilization of public school plants of New York City in 1912 under the direction of a committee consisting of the present mayor and comptroller and a borough president came to the following conclusion. After stating that the erection of thirty-two branch libraries in the last five years had entailed an expenditure of $2,595,890 for buildings and equipment, and $1,422,201, for sites, the report makes this comment:

> A large part of this cost could have been saved had the schools and the branch libraries been housed under the same roof. In addition, the branch libraries are not united with the schools, as they could and should be, for the libraries ought to be a closely integrated agency of education.

The fact that wealthy patrons are presenting the cities with library buildings including now even the branch buildings, does not make a waste any less a waste. Moreover, the sites and the cost of operation and maintenance must be supplied out of the public funds, and this is the real burden.

2. A unification of all the educational activities under a single directing agency would result in a better utilization of the school buildings.

The New York report referred to above estimates the annual loss to that city from the incomplete utilization of the school plant at $2,500,000. The amounts that might be gained from a full use of school buildings in other cities is proportionally equally large. If the social center program is ever going to be realized, it will be through the utilization of the school buildings. The older buildings may require some remodeling and certainly all the new ones should be intelligently designed to meet these new requirements. The neighborhood branch library, assembly hall for entertainments, lectures, campaign discussions, and polling places should be provided for. To carry out this new program, there should be one central directing agency.

3. This plan simplifies the machinery of city government and gives democracy a better chance to direct it intelligently.

There are cities in this country still burdened with an archaic system of government requiring the voters to elect, on the same day that national, state, and county officers are chosen, a long list of city officers, including the members of several independent boards, among them the school board and the library board. The selection of library trustees, especially in such cases is apt to be a mere formality or perhaps a farce. An intelligent choice of candidates or the making of an intelligent decision as to library issues, is extremely improbable except when an unusual emergency or scandal arouses the people. The greatest stumbling block in the way of intelligent and effective city management is in many cities still the possession of cumbersome political machinery that the people cannot work to advantage, and never were expected to. Any simplification of the city government is a distinct gain.

4. The uniting of the public libraries and other secondary educational agencies with the public schools would greatly strengthen the influence of the educational interests as opposed to the material, the purely mercenary and political.

To continue to divide and scatter our educational forces and organize the material interests more and more efficiently is not the wisest plan to pursue. There is no good reason why the educational efforts of the city should be confined to the children in school. To do that means to stop the educational process for the great majority when they reach the eighth grade. The development of the city high schools greatly improved the entire public school system. The addition of the continuation and vocational schools is going to do still more. The further the educational work is carried and the more it meets the needs of the youth nearing maturity and the adult, the greater the need for a close affiliation between the school and the library.

In the future the public schools will study the local, industrial and commercial needs and opportunities and adjust themselves to these conditions. The work now being done by the public schools of Newark points the way.

5. Placing the schools and libraries under one central directing agency will promote a closer integration between them.

The public libraries serve not only the population beyond the school age, but they are more and more serving the children in the schools. Perhaps the most effective work now done by the libraries is their service to the public schools. Rochester is attempting to develop a public library wholly in connection with its schools, without any distinctive library buildings. Grand Rapids has postponed the construction of branch library buildings indefinitely in favor of utilizing the schools for that purpose. Many other cities have located branch libraries in school buildings, especially in high schools. The experience in all cities is that where independent branch libraries are established they succeed best if located in immediate proximity to the public schools.

The libraries everywhere are striving to meet the needs of the schools by furnishing selected collections of books, pictures, clippings and other materials to teachers and placing them in the school rooms where needed. They maintain reading rooms especially for children and employ attendants who do story telling and other work akin to teaching.

The closer the affiliation between the schools and the libraries becomes, the stronger the reason why they should be directed from a common center. It would seem almost as sensible to place the large university libraries, many of which are truly public libraries, under a board of trustees, separate from the regents of the university, as to place the city library under a board distinct from the school board.

The appointment of library trustees by the board of education as provided by the statutes of Ohio, or the representation of the school authorities on the library board, in one way or another, as in Indiana and other states, needless to say is not a solution of the question. That there are great difficulties in the way of bringing the public schools and libraries together after many years of complete separation is self evident. That many librarians, accustomed to their present position of almost complete independence, will raise objections is to be expected. Nevertheless, having raised the question at the Los Angeles meeting of the National Municipal League in 1912, it is here elaborated to permit a fuller consideration and discussion.

THE NEW MASSACHUSETTS LEGISLATION REGULATING MUNICIPAL INDEBTEDNESS

BY CHARLES F. GETTEMY[1]
Boston

BY THE new municipal indebtedness act, which took full effect on January 1, 1914, Massachusetts now has the most comprehensive and effective body of legislation on this subject of any state in the union. No other has undertaken upon such a complete scale scientifically to classify municipal loans according to the purposes and periods for which debt may be incurred; in no other state has the futility of the old sinking fund method of amortizing debt been so clearly recognized, with the result that the further creation of such funds has been prohibited, it being required since the passage of the act that all issues of so-called funded or fixed debt shall be in accordance with the serial method of payment; and in no other state has there been established a system of state certification of municipal securities such as has been in operation in Massachusetts with respect to town notes since January 1, 1911.

As soon, therefore, as the evil results of the lax methods of financing which have prevailed in the past are eliminated, as is gradually but effectively being done in a legal, orderly manner, this legislation may be expected to place the municipal indebtedness of Massachusetts upon a sounder basis and more closely in accord with the best principles of municipal finance than is that of any of her sister states. It ought to follow, logically, that the bonds and notes of the cities and towns of Massachusetts should hold a unique position among this class of securities and possess exceptional attractiveness for the investor whose first concern is safety of principal and certainty of income.

This promising prospect is, however, not being achieved, except as the result of the disclosure of a condition of affairs respecting the manner in which the cities and towns of the state were formerly permitted to incur debt, which was lamentable in the extreme. Three years ago the bureau of statistics found that in eighty-two out of the 189 cities and towns investigated there was an indebtedness outstanding for the payment of which no provision had been made as required by law amounting to over $1,120,000, nearly $270,000 of this being in the form of demand notes, some of which had been outstanding for over a generation, while over $850,000 was in the form of liabilities representing trust funds borrowed or used. Indeed, the practice of borrowing the principal of trust funds left by generous benefactors and turning it into the common treasury for any most convenient, contemporary municipal purpose, appears to have been popular in Massachusetts from time immemorial. The object for which such funds were established was, indeed, with few exceptions, fully, not to say munificently, protected by an arrangement whereby it was to receive an annual income assessed perpetually on the taxpayers (at a good and sometimes a generous rate) in lieu of actual interest on the appropriated principal; but that such a device represents an unsound financial policy for the municipality and one likewise calculated to defeat ultimately one of the purposes of the donor,—namely, to relieve the taxpayers of a portion of the burden due to interest-bearing debt,—ought to be apparent.

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[1] Director, Massachusetts Bureau of Statistics.

What really happened in these cases is quite clear. A municipality availing itself of the opportunity of borrowing the principal of a trust fund for some current need relieved itself of the necessity of raising the amount from taxation; or the fund was used for some new improvement so that without an increase in the tax rate the administration could appeal successfully for the support of an admiring constituency.

The investigation of the bureau in the early part of 1911 which brought these conditions to public attention was felt, however, to have only scratched the surface of a subject of vital importance to the financial well-being of the municipalities of the commonwealth. A more thorough investigation, with ample funds for the purpose, was accordingly authorized by the legislature, and special agents of the department who were sent out through the state actually visited 326 of the 354 cities and towns, the remaining twenty-eight being small places known to have no debt or whose financial transactions were so simple that the essential facts were readily obtainable by mail. About nine months were consumed in this work and a report made on April 15, 1912, to the legislature then sitting.

This report furnished for the first time a comprehensive presentation of the outstanding municipal indebtedness of every city and town of the commonwealth, arranged so as to show its gross and net funded or fixed indebtedness, the amount of gross and net general debt incurred within and without the debt limit, so-called, the manner in which loans had been made in anticipation of taxes, and, in general, the methods by and the purposes for which debts had been incurred. The aggregate gross municipal indebtedness was found to be, at the close of the financial year 1910, approximately a quarter of a billion of dollars, of which more than $238,000,000 was funded or fixed; and this aggregate appeared to be increasing at the rate of about $7,000,000 a year in the cities and about $700,000 a year in the large towns. It is hardly surprising that such a situation became the cause of increasing apprehension on the part of the Massachusetts public and that the question was raised as to whether it was not possible by some comprehensive legislation to check the growth of municipal indebtedness; or, at least, to restrict more carefully the purposes for which municipalities might borrow.

The constitution of Massachusetts contains no restrictions or limitations upon the borrowing powers of its cities and towns, counties, or other civil divisions, and prior to 1875 our municipalities were apparently permitted to enjoy the privilege of incurring debt without any substantial let or hindrance and for practically unlimited periods of time. The natural result of this freedom from any restraining influence was inevitable. It became a not uncommon practice to authorize loans for the purpose of meeting other loans at maturity, thus extending for indefinite periods the final payment not only of loans for permanent improvements but even temporary loans issued in anticipation of the collection of revenue, instead of systematically planning to pay maturing debt from the tax levy. It was literally a system in which the future was left to take care of itself and, as was inevitable, in the process of time annual charges for interest, originally a negligible factor, became heavy and municipal debts began to assume formidable proportions.

Finally the legislature determined that something must be done to put a brake upon the rapidity with which the cities and towns of the state were being plunged into debt. It accordingly passed, in 1875, a general municipal indebtedness act. This law, supplemented by an act passed ten years later placing a limit on the tax rate in cities for municipal purposes, undertook to remedy and prevent the perpetuation of existing conditions which were felt to be no longer tolerable; and the framers of the original act and their successors who amended it from time to time unquestionably believed that they had devised a comprehensive scheme for placing effective restrictions upon the creation of debt by inefficient or extravagant city and town governments at the expense of the taxpayers. But that which could not be foreseen was the ingenious devices by which ways were to be discovered for evading the clear intent of the law, or, where its intent was not clearly expressed, for taking refuge in that form of interpretation which would most conveniently serve an immediate exigency, political or otherwise. Moreover, for more than thirty years after the passage of the original act, no machinery existed for collecting, through a disinterested and impartial source, information in regard to the manner in which the law was being observed,—a function now being performed by the bureau of statistics.

Hence, after the lapse of a full generation, the taxpayers were again confronted with substantially the same problem that led to the passage of the act of 1875,—with a state of affairs, in many municipalities, apparently not a whit better than if no law on the subject had ever been passed. To a lamentable degree outstanding indebtedness was found to consist of loans issued to meet current expenses, sometimes boldly and without pretense that they had any other purpose,—since the statute could be readily construed to permit such loans for ten years,—or temporary notes originally issued in anticipation of tax collections which should have been promptly paid from the current year's revenues, but which had been illegally refunded year after year or taken up with legitimate funded loans; or again, as above pointed out, demands for current expenses had been met by depleting trust funds.

Moreover, a collateral special investigation by the bureau of the management of municipal sinking funds in Massachusetts, which involved the computation of some 1,200 different sinking funds in the eighty-five cities and towns (except Boston) having such funds, disclosed the fact that while forty-seven showed net surpluses aggregating $2,855,192, there were fifty-two instances in forty different municipalities of apparent failure to provide sufficiently for the requirements of the funds in order to meet the debt at maturity, the deficiencies, according to the method of computation adopted, aggregating $1,794,391.

In numerous cases it was found that the contributions were based upon no definite, regular formula, the amounts which should have been raised annually apparently never having been properly calculated, or not recalculated with sufficient frequency to meet current requirements accurately.

The report reviewing the conditions revealed by these several investigations of the bureau was referred by the legislature to a special committee appointed for the purpose of pursuing the inquiry still further, and of summoning local officials to give personal testimony. In the course of these hearings evidence was taken relating to every one of the thirty-three cities in the state and to seventy-four of the 320 towns, the widest opportunity being thus given to the officials responsible for the finances of our municipalities to comment upon the findings of the bureau which had, in many instances, borne heavily upon the financial management of particular municipalities. It was, therefore, not without some gratification to the bureau that while, as might have been expected, there was dissent from some of its remedial recommendations, in no case were the data as set forth by its reports seriously disputed.

When the committee sat down to prepare its own report to the incoming legislature, it had before it in concrete form the facts brought out by three separate investigations of the subject of municipal indebtedness by the bureau of statistics, supplemented by the personal testimony of nearly five hundred local officials, representing all departments of municipal financing and coming from all parts of the state, and also by the willingly-given opinions of able attorneys with respect to certain of the technical aspects of the subject. When one considers how inextricably interwoven with municipal politics in its most practical and sometimes most virulent form this whole subject is, and the fact that no sound legislation relating to it was possible without damage being threatened to unworthy projects and personal aspirations, it is to the great credit of the committee that, although composed of men of different political parties, at no point in its investigations did any of its members appear to be animated by partisan bias; and its report when finally made to the legislature[2] included thirty-two specific recommendations unanimously urged.

The special committee's report was, in turn, referred to a regular standing committee of the legislature, which was about equally divided between members who had served on the preliminary special committee and members who were new to the subject.

Another set of hearings was then advertised and not only was the fullest opportunity given for city and town officials and interested citizens to come forward voluntarily, but special pains were taken by correspondence to familiarize every one who could be supposed to have a responsible interest in the subject, with the proposed legislation prior to its enactment. When, therefore, the recommendations came to be actually acted upon by the legislature itself, they were supported by facts and conditions disclosed by three special investigations of a bureau of the state government and by the unanimous findings of two successive legislative committees. The outcome of these several investigations was then embodied in sixteen acts, the result of careful, preliminary, scientific diagnosis of conditions. I doubt whether any state can show an instance of legislation more thoroughly predigested than that which, without a dissenting voice in either branch of the legislature, has now been placed upon the statute books of Massachusetts for the purpose of restricting and regulating the incurrence of municipal indebtedness in accordance with sound financial principles.

In its more important aspects this new legislation seeks to strike at four fundamental evils of municipal financial administration, namely: (1) The incurrence of funded or fixed debt for current expenses; (2) temporary borrowings in anticipation of tax collections to a practically unlimited amount; (3) the diversion of the principal of trust funds to current expenses or other purposes not contemplated by the donor, and the incurrence of other liabilities without providing properly for the payment of the same; and (4) the neglectful and costly management of sinking funds.

1. *Borrowing for current expenses.* No one, so far as I am aware, has ever been able to define satisfactorily the term "current expenses" so that it will have the same meaning under all conditions and in all localities. Therefore, a mere prohibition in a statute against borrowing for

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[2] House Document for 1913, No. 1803.

this purpose would be futile. In Massachusetts advantage has hitherto been taken of a rather loose phrasing of the law under which it had been deemed quite permissible to borrow money for any purpose whatever so long as the loan was limited to ten years,—whether for the support of the poor, the payment of insurance premiums, the compilation of a local history, or the purchase of a town hearse,—for all of which laudable objects of public expenditure Massachusetts municipalities had incurred fixed debt. In view, therefore, of the impracticability of devising a working definition of the term "current expenses" for prohibitory purposes in a general act, it was decided simply to extend the list of *authorized* purposes and periods for which debt might properly be incurred, so as to include all that it might be considered safe to incorporate in a general statute, and then to prohibit unconditionally borrowing for any purpose or for a longer period of time than as thus authorized.

2. *Unrestricted borrowings in anticipation of tax collections.* Under the old law cities and towns, by majority vote, might incur debt for temporary loans in anticipation of the taxes of the current municipal year and expressly made payable therefrom by such vote, and it was stipulated that such loans should be payable within one year after the date of their incurrence. No limitation was, in specific terms, set by the statute upon the amount that might thus be borrowed, and in certain cases it was found that loans had been made which actually exceeded in amount the taxes against which they were issued. The remedy provided by the new legislation is to authorize loans in anticipation not merely of taxes in the narrow sense of the assessors' levy, but of revenue, payment to be made therefrom, the amount of such loans to be limited to the amount of the *tax levy* of the preceding financial year.

3. *The diversion of trust funds and the incurrence of other liabilities without providing properly for the payment of the same.* The agitation begun by the first preliminary investigation of this subject by the bureau in 1911 immediately bore fruit, some thirty municipalities being induced to petition the legislatures of the two succeeding years for the necessary authority by special act, to refund by the serial method of payment indebtedness aggregating $1,088,273.71, most of which represented liabilities caused by the borrowing or use of trust funds (the principal of which has thus now been restored), demand notes long outstanding, and other debts for the payment of which at the time of their incurrence proper provision had not been made. Cities and towns having such liabilities still outstanding in 1913 were, however, required by a general act passed in that year to raise in the tax levy of 1914 the amount necessary to restore the funds, or if to do this would seem to impose too great a burden, they were authorized to borrow for the purpose, *i.e.*, to refund such debts, for a period not to exceed fifteen years; by the same

act all outstanding demand notes for whatever purpose issued must be taken up and similarly paid, the issue of notes of this character thereafter being prohibited.[3]

4. *The inefficient management of sinking funds.* The only really practical means of putting a stop to the abuses of the sinking fund method of paying municipal debt caused by ignorance and inefficiency and to remedy its wastes is to stop the further establishment of such funds. This is the very simple and effective remedy which has now been applied in Massachusetts. The commonwealth itself set the example a few years ago and since then all state bonds have been issued and made payable by the serial method; several of our cities and towns did likewise and the process is now to be hastened by the prohibition of any further creation of sinking funds and the requirements that all debt shall be issued in accordance with the serial plan. The serial payment provision of the law requires municipalities to provide for the payment of all except temporary loans "by such annual payments as will extinguish the same at maturity, but so that the first of said annual payments on account of any loan shall be made not later than one year after the date of the bonds or notes issued therefor, and so that the amount of such annual payments in any year on account of such debts, so far as issued, shall not be less than the amount of principal payable in any subsequent year, and such annual amount, together with the interest on all debts, shall, without further vote, be assessed until such debt is extinguished."

I have explained above that the method devised for putting an end to borrowing for current expenses was to extend the list of authorized specific purposes for which fixed or funded debt might be incurred, and to prohibit borrowing for any other purpose. But aside from this important negative object, this portion of the new law is a piece of constructive legislation noteworthy on its own account, since it is an attempt at a comprehensive statutory classification of municipal indebtedness. It will be of interest, therefore, simply to enumerate in this connection the objects for which municipalities may henceforth borrow in Massachusetts. These authorized loans are of two general classes, those which may be made within the limit of indebtedness fixed by the law, viz., 2½ per cent of the average valuation of the three preceding years in cities and 3 per cent in towns, and those which are exempt from this limitation. The former are fifteen in number (instead of six as in the old law) and with the periods for which they may run, are as follows:

(1) For the construction of sewers for sanitary and surface drainage purposes and for sewage disposal, thirty years.

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[3] Up to August 1, 1914, a considerable number of cities and towns had not only taken the necessary steps to refund their debts of this character under the authority of the acts, but had issued the loans.

(2) For acquiring land for public parks, thirty years.

(3) For acquiring land for, and the construction of, schoolhouses or buildings to be used for any municipal or departmental purpose, including the cost of original equipment and furnishing, twenty years.

(4) For the construction of additions to schoolhouses or buildings to be used for any municipal purpose, including the cost of original equipment and furnishings, where said addition increases the floor space of said buildings to which such additions are made, twenty years.

(5) For the construction of bridges of stone or concrete, or of iron superstructure, twenty years.

(6) For the original construction of streets or highways or the extension or widening of streets or highways, including land damages and the cost of pavement and sidewalks laid at the time of said construction, ten years.

(7) For the construction of stone, block, brick or other permanent pavement of similar lasting character, ten years.

(8) For macadam pavement or other road material under specifications approved by the state highway commission, five years.

(9) For the construction of walls or dikes for the protection of highways or property, ten years.

(10) For the purchase of land for cemetery purposes, ten years.

(11) For such part of the cost of additional departmental equipment as is in excess of twenty-five cents per one thousand dollars of the preceding year's valuation, five years.

(12) For the construction of sidewalks of bricks, stone, concrete or other material of similar lasting character, five years.

(13) For connecting dwellings or other buildings with public sewers, when a portion of the cost is to be assessed on the abutting property owners, five years.

(14) For the abatement of nuisances in order to conserve the public health, five years.

(15) For extreme emergency appropriations involving the health or safety of the people or their property, five years.

The second class of loans, those which may be incurred outside the general limit of indebtedness prescribed by the law are:

(1) For temporary loans in anticipation of revenue, or for the payment of any land damages or any proportion of the general expenses of altering a grade crossing, or any proportion of the expense of constructing a highway in anticipation of reimbursement by the commonwealth, or a loan in anticipation of a bond issue, one year.

(2) For establishing or purchasing a system for supplying the inhabitants of a city or town with water, or for the purchase of land for the protection of said system, or for acquiring water rights, thirty years.

(3) For the extension of water mains and for water departmental equipment, five years.

(4) For establishing, purchasing, extending or enlarging a gas or electric lighting plant within the limits of a city or town, twenty years; but the indebtedness so incurred shall be limited to an amount not exceeding in a town 5 per cent and in a city 2½ per cent of the last preceding assessed valuation of such town or city.

(5) For acquiring land for the purposes of a public playground, thirty years; but the indebtedness so incurred shall be limited to an amount not exceeding one half of one per cent of the last preceding assessed valuation of the city or town.

It is furthermore provided that all debts, except for temporary loans, whether incurred within or without the debt limit so-called may be authorized only by a vote of two-thirds of the voters present and voting at a town meeting in towns, or of two-thirds of all the members of a city council or other governing body in cities and subject to the approval of the mayor if such approval be required by the charter. What to include in such a list of authorized loans, of which all municipalities were to be permitted to take advantage, and what to exclude, and the proper periods for which loans of different classes should be allowed to run, were, of course, matters that gave rise to much discussion and differences of opinion. But I think I am entirely safe in saying that, notwithstanding the magnitude, importance, and technical nature of the subject, and the compromises in matters of detail which characterize all reform legislation, the law as finally passed not only involves no sacrifice or substantial modification of any vital principle of sound municipal finance, but on the contrary, represents the embodiment for the first time into our statutes of certain of the most fundamental of these principles.

One of the most conspicuous abuses of the old system was the facility with which municipalities, limited as to the aggregate amount of debt which might be incurred under the general law, were able to obtain from the legislature special acts relieving them from this restriction and authorizing them, in the popular phrase, "to borrow outside the debt limit." The legislature generally had before it in considering such matters only the *ex parte* testimony of interested local officials whose statistics and statements in support of their supposed necessities it was nobody's particular business to examine critically and which, in the absence of reliable, exact information, could not readily be refuted; and with the result that the number of special exemption acts passed every year had become so great as to practically nullify, in many cases, the intent of the statute. But while it is obviously impossible by any prohibitory measure to prevent appeals to the legislature for exemptions from the provisions of general law, the duty has now been imposed by statute upon the director of the bureau of statistics to examine all bills introduced for the purpose of authorizing municipalities to borrow outside the debt limit and to transmit to the committee having the matter in charge information as to the financial condition of the petitioning municipality, thus giving the legislature the benefit of an impartial statement of facts furnished by a state department which has no axes to grind and is not biased by any considerations of local politics.

In the legislature of 1914 between January 1 and May 1, the bureau had referred to it and made report upon, under the provisions of the act above referred to, some twelve bills from nine municipalities for authority to incur debt outside the debt limit; but the legislative committee on municipal finance went further than the somewhat narrow requirements of the act and conferred with the department upon a great variety of bills relating to municipal indebtedness, some of which in their original form were very loosely drawn. The policy of the bureau in this matter has been merely to seek to establish a uniform recognition of general principles and to secure the adoption of a standard phraseology in the drafting of technical provisions wherever like conditions prevail,—the legislature being the judge upon the facts in each particular case as to the expediency of granting a municipality authority to incur debt under conditions not recognized by the general statutes. The significance of such a utilization by the law-making body of the resources of a bureau of the state government as an aid to intelligent legislation must be apparent.

I make a brief reference in conclusion to the operation of the law which took effect January 1, 1911, requiring all town notes to be issued on standard forms furnished by the bureau and to be certified by the director of the bureau. This certification is, in effect, a guarantee of the genuineness of the note and while it is not in form a certificate of the legality of the loan, the director is required to withhold his signature, if, in his judgment, the statutes relating to municipal indebtedness have not been properly complied with. In actual practice, this authority was exercised in a single year in the cancellation of notes forwarded for certification amounting to about $350,000. The number of notes certified during the first year of the operation of the law was 1,416; in the following year, 1912, it increased to 1,924; in the year 1913 it rose to 2,336; and in the eight months of 1914 to September 1 it was 1,940. In the three years and eight months since the town note certification act took effect there has been certified a total of 7,616 notes, representing loans aggregating $44,972,376.45 for all purposes permitted by law and including not only temporary revenue loans running for a few months but thirty-year water and sewer loans.

Inasmuch as the certification act applies only to notes and does not include bonds within its scope, the marked increase in the number of notes issued, and the further fact that this is noticeable with respect to serials, makes it apparent that our towns are resorting more and more to the issue of notes in preference to bonds, even for long-term loans, in order to get the benefit of the examination made by the Bureau of Statistics into the facts of each issue and the accompanying official certification. The success of the act and its popularity among investors seems to be fully attested and the principle was extended by legislation in 1913 so as to provide for the certification of the notes of certain minor taxing divisions known as fire, water, light, and improvement districts. It should be understood, however, that this system of certification by the state of municipal securities does not as yet apply to either the bonds or notes of *cities*, as distinguished from towns or districts. While such an extension of the principle would be quite logical and may eventually take place, the reasons which impelled the passage of the original act relating to towns did not, at the time, apply with equal force to cities.

This review by no means exhausts the scope of the legislation which has recently been placed upon the statute books of Massachusetts with a view to correcting and preventing a recurrence of long-standing abuses in connection with the management of municipal finances, but it includes the most important and those which, on account of the general principles involved, I have assumed might be of more than purely local interest.[4]

[4] See NATIONAL MUNICIPAL REVIEW, volume ii, page 531.

MUNICIPAL INITIATIVE, REFERENDUM AND RECALL IN PRACTICE

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TO WHAT extent have provisions for the initiative, referendum and recall been inserted in the charters of American cities, and to what extent have they been used? These are natural questions; but the answers have never been worked out. Realizing this, I formulated a plan to get the facts. It is well known that since Des Moines combined the initiative, referendum and recall with the commission form of government in 1907, it has been "fashionable" to follow its excellent example. The philosophy is that it is unwise to give unlimited authority to a small body of men without reserving the possibility of final control in the hands of the voters.

As the municipal initiative, referendum and recall are found chiefly in commission-governed cities, for the reason above given, I used the commission-governed cities as the chief basis for my investigation. There are now 335 commission-governed and commission-managed cities in this country. I solicited the authorities of these cities to send me the facts concerning the existence of, and the use of, the initiative, referendum and recall in their respective cities. Some I had to solicit repeatedly. Finally I got the facts from 279 of said list, leaving fifty-six not heard from. It is fair to presume that there has been little, if any, activity in the use of these instruments in the comparatively few cities that failed to report.

Of the 279 municipalities reported, eighteen seem to be entirely without the initiative, referendum or recall. Of the remaining 261 municipalities, 197 have all three; thirty-six have the initiative and referendum; four have the referendum and recall; four have the initiative and recall; two have the initiative only; two have the referendum only and fourteen have the recall only. However, six, not included in the above figures as having the referendum, have a limited referendum for franchises only or bonds only, one having the obligatory referendum on franchises.

In the home rule law which went into effect in New York April 10, 1913, a referendum on franchises is granted to the cities of that state.

On June 30, 1914, the voters of St. Louis, Mo., adopted a new charter providing for the initiative, referendum and recall on a workable basis, the result giving St. Louis the distinction of being the largest city in the country having these instruments. Sentiment for them was increased by the successful use of the initiative under the old charter last March, in forcing the legislature to complete the Mississippi River bridge. At that time over 50 per cent of the voters signed the initiative petition.

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[1] Editor, *The Medical World*; editor, *Equity*. See article "The March of Democracy in Municipalities," NATIONAL MUNICIPAL REVIEW, vol. ii, page 194.

The Michigan home rule law of 1913 grants an interesting method of initiating charter amendments. In his "Organized Democracy," finished in May, 1913, Dr. Frederick A. Cleveland, on page 355 says: "In California eleven cities which do not have the commission form of government have adopted the initiative and referendum."

But the eleven cities in California referred to by Dr. Cleveland, and the home-rule New York and Michigan cities, above mentioned, have not been included in the definite figures given in this article, owing to technical difficulties and the very recent enaction, precluding actual experience.[2]

So much for the plain facts concerning the existence of these measures in the fundamental laws of the cities of this country. How about their use?

Of these 261 municipalities that have these powers, thirty-one have used the initiative, twenty-six have used the referendum and twenty-seven have used the recall. Of the six that have the limited referendum, one has used it on franchises.

The preceding paragraphs contain some figures that will be a surprise to those who consider the initiative, referendum and recall as radical and dangerous instruments for the voters to possess. For example, of the 197 municipalities that possess all three of these instruments, 137 have not used any of them. This, however, does not argue that these instruments are not of value. Hon. Clinton Rogers Woodruff, the editor of the NATIONAL MUNICIPAL REVIEW, said in a lecture delivered at Raleigh, N. C., March 10, 1914, that these measures are "more valuable in their existence than in their use. Their existence impresses a sterner sense of duty and keener thoughts of responsibility in the minds of officials."

With the above explanation, I beg to submit the following summary of uses of these three instruments by the cities to date, according to the above mentioned reports:

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[2] The United States of America is a very large country, peopled by a citizenship which is active in many ways, so that if it were possible to have all of the facts concerning the existence and the use of the initiative, referendum and recall in the cities on a given date, another twenty-four hours would perhaps render the statement incomplete in some particular. So the above statement is as complete as it can well be made at any one writing; and so far as known to the writer, it is the first attempt to make a complete collection of these facts. The figures are corrected to September 1, 1914. C. F. T.

Birmingham, Ala. (April, 1911.[3]) Has used the referendum twice: January, 1912, electric light contract; September, 1912, water contract. In both instances the contracts were annulled.

Talladega, Ala. (April, 1911.) Referendum used twice as to bond issues. Several efforts made to use the recall, failed to get a sufficient number of signatures.

Modesto, Cal. (July, 1911.) Initiative: July 10, 1912. 1. Prohibition adopted by vote of 1087 to 1,047. 2. High license; defeated, April 8, 1913. 1. Providing for compensation for members of city council; defeated. 2. "Liquor license under restrictions," adopted by vote of 1,104 to 1,061.

Oakland, Cal. (July, 1911.) Initiative: May 6, 1913, removal of bill-boards; defeated. Against erection dumb animals' home; defeated. April 17, 1914, liquor license regulation; carried. Recall: August 5, 1912, "socialists and I. W. W. against mayor and two commissioners; defeated."

Santa Cruz, Cal. (February, 1911.) Initiative: May 6, 1913. Liquor license ordinance; rejected.

Vallejo, Cal. (July, 1911.) Has used the initiative three times: June 11, 1912. 1. Ordinance prohibiting gambling; adopted. 2. Liquor licenses; rejected. April 1, 1913, liquor licenses; rejected. Referendum has been used once: June 11, 1912, concerning closing certain streets and alleys; adopted. Petitions for the first recall are now being circulated.

Colorado City, Colo. (May, 1913.) Both the initiative (August 4, 1913) and the referendum (October 4, 1913) have been invoked once, concerning the office of city attorney. Neither went to the people, as council preferred to act in order to avoid submission to the people.

Colorado Springs, Colo. (May, 1909.) Initiative: April 5, 1911, ordinance regulating the liquor traffic; adopted. The mayor writes: "This ordinance has been more effective in regulating the liquor traffic than anything ever before adopted in this city." April 15, 1913, four initiative ordinances were voted on: 1. "One day of rest in seven"; carried. 2. "Open theatres on Sunday"; defeated. 3. "Giving restaurants right to serve liquors"; defeated. 4. "Closing street for high school building purposes."

Denver, Colo. (December, 1911.) Neither the initiative, referendum or recall has been invoked by the people under this charter; but in May, 1913, three measures were referred to the people by the council, as follows: 1. Amending charter to provide for commission form of government; carried. 2. Ordinance regulating telephone rates; still in court. 3. Ordinance granting right of way to Burlington railway to lay siding; carried.

Boise, Idaho. (May, 1912.) Referendum: reducing number of saloons; defeated.

Moline, Ill. (April, 1911.) Initiative: July 23, 1912. Telephone franchise; "carried by large majority."

Ottawa, Ill. (May, 1911.) Referendum: April, 1913, paving; carried. Two other questions have been referred to the people (date not given), both concerning the interurban railway; sustained by large majorities as passed by council.

Springfield, Ill. (January, 1911.) Initiative: January 27, 1914, for "placing generator at city water-works pumping station to enable the city to enter the commercial lighting field"; carried. Referendum: December, 1911, several ordinances concerning regulation of salaries. "Council sustained in all by a vote of about 3 to 1." Recall: Attempt to recall commissioner Spaulding was made in 1912; required number of signatures not obtained.

Spring Valley, Ill. (February, 1911.) Referendum: "Once on question of paving cities; council sustained."

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[3] The dates of the charter follow the names of the cities. Editor.

Burlington, Iowa. (April, 1910.) Referendum, "about two years ago" concerning electric wiring. Council withdrew same without an election.

Marshalltown, Iowa. (Operating under state law.) One attempt has been made to recall the mayor; failed.

Cherryvale, Kan. (Operating under state law.) Initiative, April, 1913, concerning closing of pool halls; commission refused to pass, mayor voting in favor, both commissioners against; carried by the people. Recall, one attempt to recall mayor and finance commissioner, attempt covering April to September, 1913. First filing, names on petition insufficient; refiled, and names again insufficient; district court appealed to, and clerk's decision that names were insufficient was sustained. So the attempt at recall failed.

Emporia, Kan. (Operating under state law.) Initiative, April, 1911, concerning electric light; carried.

Kansas City, Kan. Initiative, concerning building of street car line. "The commission did not cause the signatures to be checked up, but passed the ordinance." Thus the petitions served to inform the commission of the views of the people, after which the commission responded.

Pratt, Kan. Referendum: July, 1913, fixing electric light rates. "Ordinance 'knocked out!'" Recall: September, 1913, unsuccessful attempt to recall the mayor.

Lexington, Ky. (Acting under general law of 1910.) Referendum: "On ordinance directing sale of electric franchise; ordinance voted on at first November election and defeated. Ordinance passed September 22, 1913, and defeated at general election November 5, 1913."

Lawrence, Mass. (January, 1912.) Referendum: Concerning reimbursement to W. J. Ward of $350 for labor, etc., on dam of the Merrimack river. Regular city election December 9, 1913. Result: Yes 6,251, no 1,792, blanks 2,035. Recall: School committeeman, J. J. Breen, was recalled at special election October 1, 1912.

Pontiac, Mich. (January, 1911.) Initiative: Arpil 4, 1911, putting $3,000 in budget for benefit of Pontiac Association; carried. April 5, 1912, "riding on sidewalks with bicycles"; carried. April 5, 1913, putting $2,520 in budget for benefit of Pontiac commercial bank; carried. April 6, 1914, "providing for municipal ownership"; carried. Recall: "Attempt was made to recall the first mayor, R. J. Lounsbury, but did not materalize."

Duluth, Minn. (April, 1913.) Referendum: September, 1913; regulating liquor traffic; carried.

Missoula, Mont. (July, 1911.) Initiative: General election 1912, on question of closing saloon on Sundays; carried.

Lincoln, Neb. ("1887 and amended several times since.") Initiative: "On liquor question spring of 1909, 1911 and 1913." Results not given. Referendum: "On gas compromise, December 14, 1912. Referred by council." Result not given.

Nebraska City, Neb. Recall: "Our chairman was recalled in November, 1913."

Omaha, Neb. Initiative: Seven street car fares for 25 cents was submitted to a vote at an election held March 10, 1914; carried.

Long Branch, N. J. (April, 1903.) The city has accepted the I., R. and R. provisions of the Walsh commission government law of 1911. Initiative: November 4, 1913. Establishment of a public market; carried. Referendum: November 5, 1912, Sunday closing ordinance; defeated. Recall: "Petitions filed with city clerk and certioraried to supreme court."

Ocean City, N. J. (Under Walsh law of 1911.) "Have had the initiative and referendum invoked a number of times, possibly two each, with satisfactory results. No recalls have been made or attempted."

Greensboro, N. C. (March, 1911.) Initiative: 1911; establishment of a municipally owned and operated meat market, the city to buy and sell meat; defeated.

Mandan, N. D. (Under state law.) Recall: One unsuccessful attempt.

Minot, N. D. (January, 1909.) Recall: October 18, 1913, "socialists invoked recall of mayor and one commissioner; but they were re-elected, and one socialist commissioner was recalled."

Bartlesville, Okla. (August, 1910.) Recall: September 14, 1911. Attempt to recall mayor and two city commissioners. Failed on account of insufficiency of petition.

Duncan, Okla. (June, 1910.) Recall: Attempt to recall mayor in 1912; failed ("vote about 3 to 1 in his favor.").

Guthrie, Okla. (May, 1911.) Initiative: "One time petitions were filed for amendment to charter—substantially a recall of commissioners; "petitions insufficient. Recall: "Twice petitions have been filed for recall of commissioners, but always insufficient." Mayor J. E. Nissley says: "All of above are dangerous weapons for local politicians."

McAlester, Okla. (July, 1910.) Mayor recalled. Date not given.

Muskogee, Okla. Recall: "June, 1913, an attempt was made to recall the mayor and two commissioners, but attempt failed absolutely."

Oklahoma City, Okla. (March, 1911.) Recall: "Been tried twice but requisite petitions never obtained. Is on again now for recall of mayor."

Sapulpa, Okla. (May, 1912.) Initiative, November, 1912, and May, 1913, concerning bond issues; March, 1912, charter amendment, results not stated.

Baker, Ore. (October, 1910.) Initiative: November, 1912 to change back to councilmanic form of government; failed by large majority.

La Grande, Ore. (October, 1913.) City manager plan. The new charter of October 1, 1913, providing for the city manager plan was obtained by the Initiative. Also the preceding charter.

Portland, Ore. (1903.) "But amended several times since and generally revised in May, 1913, providing for commission form of government."

Initiative: June 3, 1907. 1. Franchise to Economy gas co.; for, 8,650, against, 5,265. 2. Regulating electrical wiring. Fcr, 5,560, against, 7,619. June 7, 1909. 1. Regulating electrical wiring. For, 8,135, against, 6,462. 2. $450,000 Market street bridge. For, 2,229, against, 13,724. 3. $1,500,000 bonds for Sherman street bridge. For, 3,241, against, 12,258. 4. Prohibiting patented articles in public improvements. For, 2,735, against, 12,150. 5. Liquor franchise to Gothenberg Association. For, 1,099, against, 15,012. 6. Municipal light and power bonds. For 6,039, against 9,684.

June 5, 1911. 1. No seat in street-car, no fare; for, 8,714, against, 17,022. 2. Levy license on gross receipts of gas companies; for, 13,655, against, 10,551. 3. Levy license on gross receipts of electrical companies; for, 13,370; against, 10,563e. 4. Act to create public service commission; for, 11,206, against, 11,691. 5. Bond issue of $1,000,000 for municipal paving plant; for, 8,448, against, 15,712. 6. Protecting public water-front properties; for, 14,749, against, 8,198. 7. Regulating of bill boards; for, 15,127, against, 9,504. 8. Proposed change in street improvement proceedings; for, 11,868, against, 10,729.

November 2, 1912. 1. Act to adopt the "short charter"; for, 3,583, against, 21,072.

June 2, 1913. 1. Pension fund for firemen; for, 27,953, against, 14,400. 2. Street-car franchise to G. F. Heusner; for, 14,867, against, 25,369. 3. Revoking Oregon-California railroad co. right-of-way on East 1st street; for, 15,972, against, 21,067. 4. Granting O. R. & Navigation Co. to lay tracks on East 1st street; for, 15,942, against, 20,212.

Referendum: June 7, 1909. 1. Referendum demanded on vehicle ordinance (No. 17,414); for 7,314, against 8,129. June 5, 1911. 2. Referendum demanded on banner ordinance (No. 21,694); for, 8,246, against, 16,626. 3. Referendum demanded on boycott ordinance (No. 21,933); for, 12,098, against, 12,854. November 2, 1912. 4. Referendum demanded on ordinance (No. 25,930), granting the Northwestern electric company a franchise; for, 23,871, against, 1,947.

Recall: June 5, 1911. Councilman; successful.

Aberdeen, S. D. (Organized under state law.) Initiative: 1. April 16, 1912. "An amendment to ordinance No. 274 relating to the maximum rates which may be charged consumers of electric current for light and power"; defeated. 2. May 28, 1912. "An amendment to ordinance No. 274 relating to the maximum rates which may be charged consumers of electric current for light and power;" carried. Referendum: August 23, 1910. "Ordinance No. 338 creating a detective bureau;" carried. Recall: Recall of commissioner. Defeated at election September 26, 1911."

Huron, S. D. Recall attempted. Date not given. "The commissioner was sustained by a large majority."

Rapid City, S. D. (Commission form adopted 1910.) Five commissioners. Election called for February 17, 1914, to see if change shall be made to three commissioners. Initiative: Date not given. Municipal court proposed; defeated. Recall: February, 1913. General recall of all commissioners by "wide open town" supporters. All commissioners re-elected.

Sioux Falls, S. D. (July, 1911.) Initiative: "Once, December 20, 1912, on resolution awarding contract for city printing to the *Sioux Falls Journal*, defeated." Referendum: "Twice. April 16, 1914. On 'fool hall' ordinance; sustained. April 16 1914. On ordinance for a vaiduct; defeated." Recall: September 24, 1912. Street commissioner; recalled. August 12, 1913. Water and sewer commissioner; defeated.

Yankton, S. D. (Charter, May, 1910.) Referendum: April 15, 1913. 1. Concerning accepting the bid of the Chicago bridge & iron works for steel tanks; carried. 2. Concerning granting permit to sell intoxicating liquors at retail; defeated.

Chattanooga, Tenn. (1911.) Referendum: 1. January, 1912. King street franchise; defeated. 2. October 6, 1913. Gas company franchise; defeated.

Dallas, Texas. (April, 1907.) It will be seen that Dallas has been quite enterprising in the use of the "democratic trinity," as the following report shows:

Initiative: Ordinances voted on April 7, 1908: To establish a minimum wage of $2.00 per day for a day's work of eight hours for all work done for the city; for, 2,977, against, 3,768. Providing that all employes of the city shall be selected for their qualifications for the work required irrespective of their religious or political opinions; for, 4,043, against, 2,575. Regulating the fare to be charged by street car companies to passengers who are not provided with seats within two blocks after entering the car—that not more than two cents fare shall be collected from such passengers, for, 2,362, against, 4,345. To appropriate $50,000 out of the general fund for building and equipping a municipal light and power plant; for, 1,319, against, 2,318. Ordinances voted on April 5, 1910: that no street car company shall charge more than three cents fare for any passenger who is not provided with a seat within two blocks from the point at which he enters the car; for, 1,882, against, 1,943. Providing a penalty of $100 for the violation of the eight hour provision of the charter; for, 1,473, against, 2,220. Creating the office of public defender; for, 1,547, against, 2,195. Providing that no telephone company shall charge more than five dollars for a single line business telephone nor more than two dollars per month for single line residence telephone; for, 2,274, against, 1,518. For the issuance of $100,000 bonds to establish an electric light and power plant in connection with the waterworks of the city; for, 1,070, against, 1,946. Ordinances voted on April 2, 1912: Requiring saloons to be closed between 7.30 P. M. and 7 A. M. each week day and between the hours of 7.30 P. M. on Saturday and 7 o'clock A. M. the following Monday; for, 4,237, against, 4,917. Defining public places of amusement, licensing same; for, 6,198, against, 2,752. Requiring street railways to sell not less than seven (7) street car tickets for 25 cents and requiring street railways to charge not more than 3 cents fare unless passengers are provided with seats within two blocks of the point at which said passenger enters the car; for, 4,910, against, 3,769. Requiring the securing of estimates on the cost of installing an electric light and power plant; for, 5,088, against, 3,122. Providing for the enforcement of the eight-hour provision of the charter; for, 5,387, against, 2,962. Requiring the installation of a municipal register of the unemployed for, 5,204, against, 3,182.

Referendum: Ordinance voted on April 13, 1908: Ordinance granting franchise to A. J. Brown et al for a telephone system; for, 4,564, against, 2,312.

Recall: Election August 11, 1910. Petition filed to recall John W. George and John C. Mann, members board education as candidates to succeed themselves as members board of education, as above, John W. George received 1,662 votes; John C. Mann received 1,666 votes. As candidates to succeed George and Mann under recall petition J. D. Carter received 2,112 votes and J. B. McCraw received 2,107 votes. George and Mann were consequently recalled as members of the board of education.

Recall Election April 4, 1911. Petition filed to recall C. C. Lane, president board of education; C. C. Lane, candidate to succeed himself, received 4,814 votes; E. A. Belsterling, candidate to succeed C. C. Lane, received 5,435 votes.

Petition filed to recall L. R. Wright, H. D. Ardrey, Shearon Bonner as members, board education. As candidates to succeed themselves under recall petition as above, as members board education, L. R. Wright received 5,012 votes; H. D. Ardrey received 4,974 votes; Shearon Bonner received 4,934 votes. As candidates to succeed Wright, Ardrey and Bonner as members, Frank Gilbert received 5,334 votes; M. A. Turner received 5,301 votes; W. A. Goode received 5,286 votes. L. R. Wright, H. D. Ardrey and Shearon Bonner were recalled as members of the board of education. Frank Gilbert, M. A. Turner and W. A. Goode elected members board education to succeed Wright, Ardrey and Bonner, recalled.

Petition filed to recall J. D. Carter and J. B. McCraw as members board education. Under recall petition, as candidates to succeed themselves as above J. D. Carter received 5,304 votes; J. B. McCraw received 5,238. As candidates to succeed Carter and McCraw, George M. Stewart received 4,980 votes and John W. Pope received 4,923. Carter and McCraw were elected to succeed themselves as members of the board.

Austin, Tex. (March, 1909.) Initiative: Once. Subject not given. Referendum: Twice on franchises and three times upon bond issues. Dates and results not given. Recall: One unsuccessful attempt.

Corpus Christi, Tex. (March, 1909.) Initiative: Date not given "relative to a gas franchise which the city council refused to consider. It was adopted by the people by a large majority."

Greenville, Tex. (March, 1907.) Initiative and referendum for franchises only on demand of 200 qualified voters. Invoked twice; dates not given. Greenville street railway and light co., and the Eastern Texas traction co. Council upheld in both instances.

Hoquiam, Wash. (August, 1911.) Recall: April 24, 1912. "Recall petition charging Mayor Ferguson with incompetency, signed by 866 persons, filed with city clerk. May 22, 1912, primary election was held. Smith 265 votes, Knoell 1,180. On June 3, 1912, general election. Ferguson recalled by following vote: Knoell, 1,360, Ferguson, 870."

North Yakima, Wash. (September, 1911.) Initiative: November 9, 1912. Concerning sale of intoxicating liquors; lost by a small majority.

Spokane, Wash. (December, 1910.) Initiative: November 4, 1913. 1. City wage scale, $3; carried. 2. City wage scale, $2.75; lost. 3. Double platoon system; carried.

Tacoma, Wash. (October, 1909.) Initiative: April 1912, to discontinue laying water mains by local improvement district plan; "carried, but was illegal and not effective." April, 1914, to amend charter to provide two-platoon system for firemen; "defeated at the election." Referendum: "In 1911, on an ordinance to prohibit treating in saloons. It was upheld by the people in popular vote." Recall: "In 1911, an attempt was made to recall the entire commission. The mayor and two commissioners were recalled, and two retained their seats. An attempt was made to get up a recall on the mayor in 1912, but it was dropped. An attempt is now (May 5, 1914) being made to get up a recall on two commissioners."

Walla Walla, Wash. (September, 1911.) Recall: One attempt summer of 1913; unsuccessful, as petition was insufficient.

Janesville, Wis. (April, 1912.) Recall: July 22, 1913. Attempt to recall the mayor "for enforcing laws and ordinances"; mayor sustained.

Ladysmith, Wis. (April, 1913.) "We are just ready to vote on location of water works, which is the first question we have referred to the people under commission form of government. We have only been under this form since April."

Oshkosh, Wis. (I., R. and R. provided for by state law and not in individual charter.) Referendum: Fall of 1912, general election. Shall city own water works?; carried by an overwhelming majority.

Superior, Wis. Recall: "Petitions have been circulated three times in twelve months; April, 1913, July, 1913, at it now. Never have been able to get the necessary signatures. Alleged reason, failure to close red light district."

The recall was first used in Los Angeles, Cal., and has been used prominently in Seattle, Wash. For extensive details concerning the same the reader is referred to the following sources:

"Conservative Aspects of the Recall," H. S. Gilbertson, N. M. R., vol. i, page 204.

"The Actual Workings of the Initiative, Referendum and Recall," Dr. John R. Haynes, N. M. R., vol. i, page 586.

Buffalo is to vote in November on a new commission charter providing for the referendum. Toledo, in November, will vote on a charter providing for the recall of the mayor. The legislature of Louisiana, this year, has taken the step of authorizing its parishes to adopt a three-commissioner form of government in which the initiative, referendum and recall are provided.

We see in this review a safe, healthy and commendable exercise of direct powers of the voters in the public affairs of municipalities. These powers have not been abused, as is plainly seen by the large number of municipalities which have these powers, but which have never used them; and in the fact that in no place has their use been "cranky" or excessive. These powers have been used rather freely in Portland, Oregon, and in Dallas, Texas, but we have no evidence that there is any sentiment in these places for the abolition of these powers on account of their somewhat free use. On the contrary, we may reasonably assume that the use of these powers is an evidence of their appreciation—when there is occasion for their use.

If these powers of public control of public affairs and of officers had come sooner into the municipal life of this nation, would municipal mismanagement and corruption have become a national disgrace? I think not. I hope for and predict the continued rapid extension of the initiative, referendum and recall until they will be in the charter of every municipality under the stars and stripes. The modern American spirit demands that the public, through the electorate, shall have power to control public affairs and officers, whenever, in the judgment of the electorate, there is occasion to do so.[4]

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[4] For further information on this subject in the pages of this magazine, see "The Initiative, Referendum and Recall in San Francisco," Dr. E. A. Walcott, N. M. R., vol. ii, page 467.

"The Oregon System at Work," Richard W. Montague, N. M. R., vol. iii, page 256.
carried.

SHORT ARTICLES

A REVIEW OF SIGNIFICANT FACTS IN THE PRESENT CENSUS OF CITIES

WHILE the total increase in the population of the United States (continental) in the decade 1900–1910 was about sixteen million [1] (15,977,691), being an increase of 21 per cent, that for urban territory [2] was more than eleven million (11,013,738), or 34.8 per cent, and that for rural territory was less than five million (4,963,953), or 11.2 per cent. Thus it appears that 68.9 per cent of the increase in population was made in the cities. Furthermore, this is on the assumption that all urban territory in 1910 was urban in 1900. This avoids the shifting of cities from rural to urban territory between the years of comparison.

This urban population in 1910 was 46.3 per cent of the total, while 8.8 per cent more resided in incorporated places of less than 2,500 inhabitants. More than one fifth of the total population resided in cities of more than 100,000 inhabitants and about one tenth (9.2 per cent) in the three cities of more than one million. If we consider the metropolitan districts, including in each case, beside the central city, those suburbs which belong industrially to the city and in which the city's life is dominant, we find 14.6 per cent of the total population in metropolitan districts of more than one million inhabitants.

The question arises at once, what are the sources contributing to this increase in the population of the cities? The nature of the population as it existed in 1910, classified according to color and nativity, appears in Table I.[3] This shows the difference in composition between the urban and rural population.

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[1] The figures in this paper are taken directly or are derived from the abstract of the Thirteenth Census and two volumes of the Twelfth.

[2] Urban population is defined by the Census Bureau as "that residing in cities and other incorporated places of 2,500 inhabitants or more including New England towns of that population."

[3] The states are grouped in geographical sections as follows: New England; middle Atlantic including New York, New Jersey and Pennsylvania; south Atlantic including the other states on the Atlantic seaboard and West Virginia; east north central including Ohio, Indiana, Illinois, Michigan and Wisconsin; west north central including those states north of Oklahoma and between the Mississippi river and the Rocky Mountains; east south central between the south Atlantic states and the Mississippi river; west south central including Arkansas, Oklahoma, Louisiana and Texas; Mountain and Pacific. For convenience east is used to include New England and the middle Atlantic states, north to include the east and west north central states, west to include the mountain and Pacific states, south to include the south Atlantic and the east and west south central states.

TABLE I[4]

Per Cent of the Total Population Classified According to Nativity and Race

	NATIVE PARENTAGE	FOREIGN OR MIXED PARENTAGE	FOREIGN-BORN	NEGRO
U. S.: Total	53.8	20.5	14.5	10.7
Rural	64.1	13.3	7.5	14.5
Urban	41.9	29.0	22.6	6.3
East	42.8	29.6	25.6	1.9
Rural	67.4	17.5	13.8	1.1
Urban	34.2	33.7	29.3	2.1
North	54.5	27.8	15.7	1.9
Rural	62.7	24.7	11.3	0.9
Urban	44.5	31.6	21.0	2.9
South	63.2	4.3	2.5	29.8
Rural	65.4	2.5	1.5	30.3
Urban	55.5	10.6	5.8	28.0
West	52.4	24.5	10.0	0.7
Rural	56.2	21.3	17.6	0.3
Urban	48.3	27.3	21.1	1.2

We see that in the United States as a whole not quite 42 per cent of the total urban population are native whites of native parentage, 29 per cent are native whites of foreign or mixed parentage, 22.6 per cent are foreign-born whites and 6.3 per cent are Negroes. On the other hand, 64 per cent of the total rural population are native whites of native parentage and only 7.5 per cent are foreign-born whites. In the east the differences are even greater, only 34.2 per cent of the urban population being native whites of native parentage while this group constitutes 67.4 per cent of the rural population. To use a phrase of the census report, the "foreign-born whites and their children" constitute 63 per cent of the population of the eastern states. Only in the south is this group much less than one half of the urban population.

Perhaps of more importance than the present condition is the nature of the increase. In Table II is shown the total rate of increase and the

TABLE II

Rates of Increase in the Decade in the United States and in Cities of Various Sizes

	TOTAL	NATIVE PARENTAGE	FOREIGN OR MIXED PARENTAGE	FOREIGN-BORN	NEGRO
United States	21.0	20.9	20.8	30.7	11.2
Cities of 500,000 or more	29.0	21.8	25.4	40.6	29.5
100,000–500,000	39.7	54.1	35.6	33.9	29.8
25,000–100,000	40.3	45.2	32.3	43.9	31.8

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[4] The sum of these per cents is not quite 100 because of the Indian, Chinese, Japanese and other races not listed in this table.

rate of increase in each of the classes of population according to nativity in cities of various sizes.

The whites of native parentage have increased less rapidly than any of the other classes in cities of more than half a million inhabitants,—in fact only 1 per cent greater than in the country as a whole—while in the same cities the foreign-born population has increased most rapidly. The cities whose population is greater than 25,000 and less than 500,000 have grown much more rapidly than the larger ones, the rate of increase being about 40 per cent. In these cities the increase in the native white population of native parentage is more rapid than that of any of the other classes. It appears that this element is going to the medium sized cities and the foreign-born element is coming to the large cities.

In this case the actual numbers are fully as illuminating as the per cents. In Table III, from which Table II was derived, it is seen that the increase in the number of foreign-born whites in the eight cities of more than a half a million inhabitants exceeds that in all of the other 221 cities whose population is over 25,000, and is more than one third of the total increase of foreign-born whites in the United States. On the other hand, the increase in the number of native whites of native parentage in these eight cities is less than one fourth (22.2 per cent) of that in the other cities of more than 25,000, in fact less than half of that in either of the two classes of cities given in the table.

TABLE III

Increase in the United States and in Cities of Various Sizes

	TOTAL	NATIVE PARENTAGE	FOREIGN OR MIXED PARENTAGE	FOREIGN-BORN	NEGRO
United States	15,977,691	8,539,213	3,251,820	3,131,728	993,769
500,000 or more	2,604,000	527,750	867,267	1,118,043	90,478
100,000–500,000	2,498,765	1,200,722	723,232	518,487	144,131
25,000–100,000	2,367,523	1,175,941	533,741	507,259	145,322

The increase in native whites of foreign or mixed parentage in the largest cities is greater in actual numbers than that in the other two classes of cities but is a smaller proportional gain than that in either of the others, and only slightly greater than the increase in the native whites of native parentage as appears in Table II.

During the decade 1890–1900 the foreign-born element of the population increased only 1,091,716 or 11.8 per cent. This was notably less than the increase during the decade 1880–1890 which was 2,569,617. During the last ten years the increase has been greater than that during any earlier decade, 3,174,610 or 30.7 per cent. Now the foreign-born constitute 14.7 per cent of our population, this being just the proportion in 1890.

In Table IV is shown the per cent of the increase of the foreign-born population in comparison with that during the preceding decades. In the last column of Table IV is given the per cent of the total population living in cities having more than 100,000 inhabitants. The similarity to the numbers in the preceding columns is rather striking.

TABLE IV

	PER CENT INCREASE 1900–1910	PER CENT INCREASE 1890–1900	PER CENT INCREASE 1880–1890	INHABITANTS OF CITIES
New England	12.0			7.9
Middle Atlantic	48.3			42.3
East		80.1	41.8	
East North Central	14.2			23.4
West North Central	2.6			7.7
North		9.0	44.5	
South Atlantic	2.6			5.8
East South Central	–0.1			2.9
West South Central	2.7			1.8
South		3.3	1.9	
Mountain	4.8			1.1
Pacific	13.0			8.2
West		6.9	10.5	

The proportion of foreign-born whites living in urban and rural districts and in cities of more than 100,000 inhabitants is given in Table V.

TABLE V

Per Cent of Foreign-born White in Urban and Rural Territory and in Cities of 100,000

	RURAL	URBAN	CITIES
United States	27.8	72.2	43.6
New England	7.6	92.4	31.6
Middle Atlantic	16.1	83.9	61.1
East North Central	28.6	71.4	46.1
West North Central	60.8	39.2	19.9
South Atlantic	34.0	66.0	39.8
East South Central	33.3	66.7	52.8
West South Central	60.8	39.2	26.3
Mountain	60.3	39.7	19.8
Pacific	38.7	61.3	47.5

In that part of the United States between the Mississippi river and the Pacific states about 61 per cent of this group live in the country, but in all other parts by far the greater number is in urban territory,—the per cent ranging from 61.3 in the Pacific states to 92.4 in New England. Just slightly more than one fifth of the total foreign-born white population of the United States is in New York and Chicago, New York having 14.5 per cent.

The distribution of the native whites of foreign or mixed parentage must, of course, be affected somewhat by the distribution of foreign-born, and very much by the distribution of foreign-born of two, three and four decades ago. These two elements enter into the present distribution so much that it is impossible to make any inferences regarding the direction of change in residence of this group from the increase in its numbers in any class of cities or in any geographical section.

The population of this class in every section of the country, both urban and rural, is less than that of native parentage and greater than that of the foreign-born. (Table I.) In every section the proportion of this class which is urban is greater than that of the native whites of native parentage. In the east and north it is slightly less than that of the foreign-born, and in the west and south it issl ightly greater. On the other hand, the rate of increase of this class in cities is less than that of the native parentage and only about two thirds that of the foreign-born. (Table II.)

The negro race represents 10.7 per cent of the total population, the proportion continuing the decrease which has been almost uniform since 1810. The proportion was 11.6 per cent in 1900 and 11.9 per cent in 1890.

Of the total negro population 27.4 per cent is urban. In 1900 22.7 per cent was urban. In the south the negroes are country-dwellers, but in every other section of the country the proportion of the negro population which is urban exceeds that of any other class except that of the foreign-born in the east and there the difference is very small. If we may speak of the south as the American home of the negro, 89 per cent of the race being in the south, it appears that when the negro emigrates he goes to the city. This corresponds to the experience of the whites as shown by the preponderance of the urban population among the foreign-born whites. The cities of the south show a slightly larger increase in negro population than those of the rest of the country. The cities whose population is between 100,000 and 500,000 in the south have an increase of 31.4 per cent in negro population while the corresponding increase for cities of that size in the country as a whole is 29.8 per cent. This tendency does not appear among the whites, the numbers for comparison with these being 37.4 and 43.1 respectively.

Table VI shows the distribution of the negro element of the population, urban and rural, for the different sections of the country.

TABLE VI

DISTRIBUTION OF NEGROES

	TOTAL	URBAN	RURAL
North and East	1,027,674	794,966	232,708
South	8,749,427	1,854,455	6,894,972
West	50,662	39,808	10,854

The comparison between the white and the Negro population, urban and rural, and the respective rates of increase is made in Table VII. Here the comparison is made of the conditions at the two times as they then existed, there being more cities in the urban territory in 1910 than in 1900.

TABLE VII

Negro and White Population

	NEGRO		WHITE	
	1910	1900	1910	1900
Total	9,827,763	8,833,994	81,731,957	66,809,196
Rural	7,138,534	6,829,873	41,900,944	38,303,050
Urban	2,689,229	2,004,121	39,831,913	28,506,146

	Increase		Per Cent Increase			
	NEGRO	WHITE	NEGRO		WHITE	
			1910	1900	1910	1900
Total	999,769	14,922,761	11.2	18.0	22.3	21.2
Rural	308,661	3,596,994	4.5	13.7	9.4	12.4
Urban	685,108	11,325,767	34.2	35.2	39.7	35.7

While the per cent increase of the Negro population is only about half of that of the white population (11.2 and 22.3 respectively), yet the per cents of increase in the cities are not very different (34.2 and 39.7). During the preceding decade the rates of increase of the Negro and white elements were much more nearly the same. During that time the rate of increase in the number of Negroes in the rural territory was materially greater than that in the number of whites and during the last decade it is less than half. This result may be partly due to incomplete returns in 1890.

To discover whether these differences were due to locality or to race, since most of the Negro population is in the south, Table VIII was made, corresponding exactly to Table VII but dealing with the south alone

TABLE VIII

Negro and White Population in the South

	NEGRO		WHITE	
	1910	1900	1910	1900
Total	8,749,427	7,922,969	20,547,420	16,521,970
Rural	6,894,972	6,558,173	15,785,957	13,470,054
Urban	1,845,455	1,364,796	4,761,463	3,051,916

	Increase		Per cent Increase			
	NEGRO	WHITE	NEGRO		WHITE	
			1910	1900	1910	1900
Total	826,458	4,025,450	10.4	17.2	24.4	25.2
Rural	336,799	2,315,903	5.1	14.6	17.2	22.9
Urban	489,659	1,709,547	35.9	31.8	56.0	36.7

instead of with the whole United States. The differences are accentuated. The rates of increase in the white population both urban and rural are very much greater in the south than throughout the country and those of the Negro population are about the same.

It may be added that the greatest drift of the Negroes is to the largest cities. In 1900 7.6 per cent of the race was living in cities of more than 100,000 while in 1910 10.4 per cent was in such cities, showing a migration of 2.8 per cent of the whole number into the large cities. The increased proportion in the smaller cities was less than half as much.

W. O. Mendenhall.

Earlham, Indiana.

MOVING PICTURES AS A FACTOR IN MUNICIPAL LIFE.[1]

OUR memories carry us back to the friends we made and the experiences we enjoyed as children. Saturdays and vacations were full of joy. The afternoons and evenings spent in play were our most delightful experiences. As we think about it now, we grew as we played. Our imaginations, emotions, brains and bodies all expanded. The hours of relaxation and recreation are the times in which we live. Work provides the necessities.

The uses to which leisure time is put in our cities determine their moral tone. The great mass of people do not cry as they did in Rome for corn and games. They have no desire to have a paternalistic government or a philanthropic class hold them in leash with sports. They rather want the opportunity, in a self-respecting way, to enjoy themselves according to the dictates of their consciences and with due respect for their incomes.

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[1] Municipal Use of Moving Pictures. The moving pictures are every day demonstrating their usefulness in a practical way as well as from an amusement point of view. As *The Municipal Journal* points out, actual operations in road construction and other engineering work are now shown by this medium at society meetings; the schools are using them for instruction purposes; and missionaries are teaching the heathen Bible stories by means of them. One week, it is reported, a missing city official whose absence is worrying his friends will be sought by having his photograph shown in 10,000 moving picture places by Pathe's Weekly, in the hope that some one of the millions of spectators may have seen him. This suggests, as *The Journal* says, that the police might use the same means for tracing fugitives, criminal or otherwise. Moving pictures showing the gait and bearing, as well as the features of criminals, might be filed in the rogues' gallery and used for this purpose.

Still another municipal use is the teaching of the ignorant (and others) how to vote. A moving picture showing a voter entering, receiving, marking and depositing the ballot, and showing large a copy of a correctly marked ballot, might not only relieve the attendants at the polling place of much trouble and shorten the time required per ballot, but would probably result in bringing out voters whom timidity of the unfamiliar might otherwise have kept at home. "*The Journal* suggests" that every city arrange to have shown at every moving picture place, at each performance for a week preceding election, a short film illustrating voting, challenging, etc., at a booth similar to the one used by them, ending with a large picture showing a properly marked ballot. There would always be a number of new voters, either just of age or newly made citizens or women just enfranchised, or others who have moved from places where the voting methods or ballot are somewhat different, to whom this instruction would be very welcome.

We sometimes forget the great middle class in our cities, the eight tenths lying between the depraved and submerged tenth and the few who belong to the monied and intellectual aristocrats. It was Lincoln who said, "The Lord must love the common people because he made so many of them." It is the common people to whom the motion picture appeals. This great civic majority has long hours of work, the unending round of household duties and slim pocketbooks. Let us not forget they have the same desire for relaxation and amusement as the well-to-do and coupled with it a vital sense of self-respect.

How is it possible for the working man and his wife, the mechanic and his girl to attend the ordinary theatre? The price of admission excludes them. They have been looking for entertainment for decades and have found it in the home or on the street. Millions of the masses have welcomed the motion picture as a form of theatre well within their means and the equal, if not the superior, of the ordinary theatrical production.

These men and women who make up the bulk of the life of our cities are thoroughly independent. There is an active or a passive resistance to those who patronize them or offer them unpaid pleasures with supervision and limitations. They do not want milk and water entertainment. When the opportunity appears to pick their pleasures and pay their way, they respond.

Let us be certain of the fact that the people will have some place where they may obtain pleasure, relaxation and inspiration on an independent and self-respecting basis. Various charities and philanthropies have failed because they lack this element of freedom. Working men have turned to the saloon. Here they have found fellowship, joyousness, comrades, discussion and sociability with independence. But the saloon has brought with it attending evils to the individual and it excludes the family.

The people throng the parks in the summer time. The young people gather in numbers in the dance halls and academies. Every summer afternoon and evening finds them in hundreds of thousands at Coney Island and other resorts. Why? Because they can obtain the maximum of pleasure with the small sums they have in hand. Winter and summer, in cities like Chicago and New York, they fill the 1,300 or 1,400 motion picture houses three times a day.

If one runs over in his mind the various forms of entertainment, both commercial and otherwise, in the cities, he will find that most of them tend to break down the family. They split society into age and sex groups. The motion picture show, on the other hand, has its appeal for father, mother and the little ones. Some exhibitors in Brooklyn, the city of baby carriages, maintain a department for checking the scores of carriages left by mothers who crave a change from the details of home work, but who must have their offspring with them. After the day's work, the fathers and mothers gather with their children before the motion picture screen to quaff deep draughts of life. Tired muscles and weary nerves are recreated. The powerful actions and motives of life pass before them. They dream their dreams and see their visions as the skillful artist depicts the thrilling situations of other lives. While the interest is sustained, minds are busy. Interest brings enlightenment. Who can tell how the spirit of a man grows! Certainly this new form of art takes its place as a great spiritual force.

Editorial writers call attention to a fact which liquor men have known for months. With the growth of the "movies" the profits of saloons have fallen off. The detached man finds it quite as possible to drop in to the motion picture theatre as to the saloon. For the price of the drink, he can sit for two hours and thoroughly enjoy himself. While the philanthropists have been searching for some form of substitute for the café and saloon, this transformation has been going on before their eyes. Horace Bushnell talked of the expulsive power of a new affection. Here we have it illustrated. Where coffee houses, modified saloons, charitable entertainments and rest rooms have failed, the motion picture show has prospered.

Let us not suppose that the ignorant and the circumscribed alone are going to the "movies." It has something to offer to persons of every station in life. Indeed, its field is more extended than that of the opera, the theatre and the vaudeville combined. For ten cents, one can see Vesuvius in eruption, the animals of Africa in their natural state, Napoleon at Waterloo, the battle of the Monitor and Merrimac, or Samson, that foolish prophet of the Jews.

A cultured group, some months ago, gathered to follow the life of Wagner and to hear the strains of his opera as the places were exhibited where he wrote them. It is equally possible to lay siege to the walls of Troy or to pass through London streets with Charles Dickens and his marvelous characters. The epic creations of Zola stand forth in all their tragedy and gloom. Minnehaha and Hiawatha charm the eye as Longfellow stirred the imagination. Thousands of persons who have never read Les Miserables now follow Father Madeleine through his tragic life.

There are, also, among the artists who provide films for the entertainment of the masses, those who depict Biblical situations as Tissot, Von Uhde, Dore, Hoffman and Hunt could never do. On the motion picture screen, these stories stand out with all their human, dramatic and ethical values.

Educators are now being convinced that the "movie" has something for their children. Classes in botany, nature study, physics, biography and history now see with their own eyes what was indistinct on the written page. With a new zest, they come back to their books because they realize that these things really exist. In an afternoon, they can see the intimate life of African tribes, the pulsation of the human heart, or the microscopic life in a drop of water.

As the Jones family and their friends around the corner sit beside each other after the day's work, they can see illustrated some of the great social and industrial subjects of controversy and as they go home they can discuss pictures which clarify the opinions they have heard expressed by speakers from platforms and in meetings of the union or have read in the papers.

The motion picture film now makes it possible to arouse the great middle class to the need of sanitation. They learn what municipal experts now mean by clean streets, city planning, protection from impure milk and tuberculosis and the work of the visiting nurse; mothers consider more feasible enlightened methods of caring for and feeding their babies. The motion picture becomes a great silent social worker.

In some cities, like Omaha, carefully prepared programs are arranged for children. Mothers feel safe in allowing their little ones to watch these specialized programs. In other cities the public schools are opening their doors to the people of the neighborhoods where they may look at pictures or find other forms of self-respecting relaxation and entertainment in social centers. The picture show lures the lonely people from their homes and builds up a neighborhood spirit.

Since life is the subject of the motion picture art and the motion picture business is peculiarly open to criticism, the problems of censorship are most complex. Through arrangements with the manufacturers, the national board of censorship is able to pass judgment on the picture presented to the city dwellers of the country in a non-official, co-operative manner. It holds a unique place in the region of prevention. The opportunity is presented and grasped of excluding immoral and objectionable situations from motion picture films. It is able also to raise the standard and to encourage the development of fine productions.

This organization must criticise pictures with all the people in all parts of the United States in mind. It would be glad to make some differentiation between those pictures which can be used for children and those which are suitable for adults. This seems to be impossible. The condition of the presentation of the film is such also that the same picture is shown in Key West, Florida, as in Seattle, Washington. The fundamental moralities only can be passed upon for all the people living between these two points.

It is possible for every city to co-operate with this board in detecting and excluding objectionable pictures. Information is sent out weekly to those official or non-official groups who are entrusted with this social service work. Since different localities have different social and civic problems, it is well for such groups to perform such disinterested volunteer service.

We put figures at the end. They tell a story, but not the whole story. As they are grasped, the facts stated above become significant. The manufacturers of motion picture subjects are sending out to exchanges throughout the country, weekly, between 135 and 150 new subjects. They involve new themes or variations of those dramatic, humorous and educational themes which have always been compelling. This means that 7,000 or more subjects are used for the entertainment of the American people each year. Within the last few months, a rapidly increasing number of subjects requiring from three to ten films have been produced. These have been exhibited in about 17,000 motion picture theatres. A conservative estimate places the amount spent in these houses of entertainment at $319,000,000. Last year, fully 10,000,000 people in the United States visited the motion picture theatres with more or less regularity. In centers of population, like New York, between one sixth and one seventh of the people visited these places daily. With such facts in mind, it must be considered that we have here a successful rival of baseball, dancing and organized play as an entertainment. In the minds of the masses, the motion picture takes the place of a novel. It becomes the handmaid of education that supplements the work of city officials, scientists, etc.

ORRIN G. COCKS.[2]

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[2] The National Board of Censorship, of which Mr. Cocks is advisory secretary, is particularly interested in a plan of co-operation with the producers of motion pictures with a view to excluding from the show houses pictures which may be imported from Europe or made by manufacturers of no recognized standing in the industry and which are of such a character as to militate against the moral interests of the public and the financial interests of the motion picture industry. The manufacturers voluntarily submit their pictures to the national board of censorship under agreement to eliminate any parts of the picture which, in the opinion of the board, are objectionable or to withdraw from the American market pictures which may be condemned *in toto* by the board.

An official bulletin is issued each week covering the pictures passed upon for the preceding week together with the action taken on these films. This bulletin is mailed, each Saturday, to correspondents in all parts of the country, some 300 in number, including mayors, license bureaus, chiefs of police, civic and social organizations. In many cities, no pictures are allowed which have not been passed by the national board of censorship. The board passes upon ninety-five per cent of all motion pictures offered for public exhibition in America. It urges local co-operation with a view to suppressing such pictures of the other five per cent as do not meet the standards of the board. John Collier, general secretary of the board, made a study of the motion picture problem in Greater New York, carried on correspondence in various parts of the country and consulted with experts along various lines with a view to drawing up an ordinance which would regulate the physical characteristics of the show houses. On the basis of this inquiry, the national board has prepared a model ordinance which can be adapted to the requirements of any city.

WOMEN AND CIVICS

CIVICS bulk larger and ever larger in each recurring biennial of the General federation of women's clubs, and the Chicago meeting in June topped the record. The civic conference, held in the Auditorium theatre, was one of the most successful sessions of the twelfth biennial, every seat being occupied. Miss Zona Gale, of Portage, Wisconsin, chairwoman of the committee, presided.

Dr. F. C. Sharp of the department of Philosophy, University of Wisconsin, spoke on "Civics and Moral Training in the Public Schools." He introduced his remarks by telling of a request from a prospective student that he be permitted to take a course in ethics because he thought "ethics was his weak point." "If ethics means consideration of morals," continued Dr. Sharp, "then American schools are also weak in ethics." What we need is character building, not a mere mechanical habit of obedience, through love or fear of parents or teacher, but the development of a *love of right doing*, just as one would develop a love of literature. To train pupils to see issues of conduct—to show them identities—to develop a sense of cause and effect—to teach them to handle themselves in emergencies—to gain knowledge and love and the ability, to put both over into the will. This must develop into a science of the men to come and we will see a better humanity in the future.

Edward J. Ward of the department of civic and social development of the University of Wisconsin, and author of "The Social Center,"[1] spoke on schools as civic centers under the title of "Going to School to One Another." He struck a note of responsive interest when he stated in his introduction that while there were no sectional divisions of east or west at a biennial meeting, men as a rule "look to the east for the rising sun, but to the west for things that are done," quoting the following lines:

"Men look to the east for the dawning things
The light of a rising sun;
But they look to the west—the crimson west—
For the things that are done.
For out of the east they have always come
The cradle that saw the birth
Of all the heart-warm hopes of men—
Of all the hopes of earth.

For there in the east arose a Christ
And there in the east there gleamed
The dearest dream—the clearest dream
That ever a prophet dreamed,

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[1] In the National Municipal League Series.

And into the waiting west they go
  With the dreamchild of the east
And find the hopes we hoped of old
  A hundred fold.

Mr. Ward, in speaking of municipal government, advised one board for the administration of the city's affairs, preferably the board of education—with some one at its head of the type of Mrs. Ella Flagg Young. There should be a municipal executive, who would act as civic secretary, a leader in the recreation of the city and superintendent in children's instruction—"a prime minister in a democracy." The schools should be used as polling places and centers for organized citizenship. They should be the headquarters of government where people come to have their intelligence examined. He rejoiced with the women on the stand they had taken on the suffrage, but he said "it was not so important after all. The ballot is only a machine for testing the brain—whether gray matter or mush. It is like school examinations. The real meaning of education does not lie in examinations, but in what has been done *between the examinations*. So it is *between* election times that really count, the time when "we all go to school to one another." "There are two great institutions in America, the saloon and the church," he declared. "The church has been good, divided and undemocratic. The saloon has been bad, democratic, undivided. Between the two is the school, combining the best qualities of both—an institution which should become the social center for the community in which it is placed, available at all or any time the citizens demand it. He closed by declaring that when we identify education and politics, the women have everything.

Social centers were endorsed by the Conference.

Professor Charles Zueblin's subject was "The Logic of Civics." "If," he declared, "home rule is good for Ireland, it must be good for us—home rule in home and city, nation and world. Any community that is not self-governing is futile. There can be no real beauty of home inside unless there is beauty in the streets without. Home-making begins by keeping the streets clean. If you cannot see the connection between keeping the streets clean, then there is no use in trying to improve the former. Make your government so simple that any college professor can understand it. Make it so plain that the people may know where responsibility lies, and give them the power to say what they want."

He recommended a subsidy from the family income for the mother, wife and homemaker, declaring we cannot have sex equality while men pay women's bills. Women, he declared, know more about sex than men and the latter should cease trying to teach the subject. "No laws can ever stop sexual immorality. This can only be done by teaching the spiritual significance of sex. Teach that there is only one mate, and men and women can meet as freely as men meet men and women meet women. Women should study economic problems if they wish to be worthy of the suffrage—but they dare not study them because it will cost them something. It would be well for those who are able to attend conventions to make a study of twentieth century economics, including scientific production, business efficiency and equitable distribution. Bring the consumer back to the industry."

Mrs. Charlotte Perkins Gilman of New York spoke on "The New Art of City Making." "The city is a live thing," she said, "and woman's civic duty is to help her to live—not to make money, but to make men, the greatest work of humanity. . . . The city should be treated as a living being. It dies of its vices. Its health is preserved by the normal exercise of its functions. When we realize that we are to be the city, then the city will live."

The program concluded with the song of "Brotherhood" by Edwin Markham, to the air "Die Wacht Am Rhein," led by Miss Margaret Woodrow Wilson, daughter of the President:

The crest and crowning of all good
Life's final star is brotherhood;
For it will bring again to earth
Her youthful poesy and mirth
'Twill bring new light to every face,
A kingly power upon the race;
And till it comes, we all, we all are slaves,
And travel downward to the dust of graves.

Come, clear the way, then clear the way,
The fear of kings has had its day;
Sweep dead branches from the path,
Our hope is in the aftermath,
Our hope is in heroic men
Star led to build the world again,
To this event the mighty ages ran,
Make way for brotherhood, make way for man.

There was also a "Civics Luncheon," at which Dr. Graham Taylor spoke on social centers, as did also John Richards of the South Park Recreation system of Chicago.

The biggest civic event was the declaration in favor of suffrage, which the federation adopted. It read as follows:

WHEREAS, The question of political equality of men and women is today a vital problem under discussion throughout the civilized world; therefore be it

Resolved, That the General federation of women's clubs give the cause of political equality its moral support by recording its earnest belief in the principles of practical equality regardless of sex.

Miss Jane Addams, in the judgment of Dr. Graham Taylor of Chicago Commons, paved the way for this when in her address which came early in the convention, she said:

> When that wave of civic emotion surged into the focus of attention—as it is now high through the length and breadth of the nation—which had for its watchword "the city beautiful," it was most important that there had long been municipal art committees, that public schools had been supplied with good pictures, that trees had been planted in barren towns, that club women had been instrumental in saving the Palisades on the Hudson river, and in establishing a national park. It all gave reality and background to the movement.
>
> When the new social imperative, entitled "know your city," gathered momentum and won acceptance far and wide, so that under its impulse and sanction there is inquiry into the facts and tendencies of city life, it was again important that women everywhere had been taught the value of inspecting milk and food, the needlessness of tuberculosis, the necessity for good factory conditions, the possibilities of garden cities.
>
> They found that it was necessary to command a public opinion not only in the city or state in which the reform was needed, but throughout the country, so that any organization less widespread than the federation, with interests less universal, would have availed but little.
>
> All these efforts to give effective expression to new demands, demonstrating as they do the dependence of the political machine for its driving force upon many varieties of social fuel, make clear women's need for a larger political participation. Without the franchise, woman is suddenly shut out of the game—the game played all over the world by statesmen, who at this moment are attempting to translate the new social sympathy into political action.

The report of the "Civics Committee, 1912–1914," based upon reports from the various states, set forth that the growth in civic work among the woman's clubs consisted in (1) the introduction of civic departments in department clubs; (2) the study of civic and social conditions by study clubs; (3) the organization of workers for actual civic advance; and that of the three, the second and third greatly predominate.

The initial steps, the report pointed out, usually include "clean-up" days, the buying of trash buckets, prizes for back-yard improvement, the attacking of bill-boards—all admirable. Next comes constructive work in beautifying—the planting of small open squares, the advocacy of window-boxes, the hope of a little park, the placing of seats in sightly places. This leads naturally to work in sanitation, the clearing of alleys, garbage collection, fly campaigns, bubble fountains, abolishing the exposure of food on sidewalks, of street-sweeping during traffic hours and without the use of the hose, medical inspection of school children, the tuberculin testing of cattle, the anti-tuberculosis work in various forms.

> Then inevitably comes the still more human element, the element constructive as well as preventive: Playgrounds, domestic science and manual training and a gymnasium for the schools. The development of

> recreational facilities, attention to motion pictures, investigation of the treatment of juvenile offenders, the condition of local goals and lock-ups, of child labor, of factory and shop conditions in general—hours, sanitation and wages. And so gradually back to the whole underlying industrial situation, and to the economic conditions which have begotten it.
>
> Most of the civic clubs are working in the earlier stages. Indeed, when they get to the later stages, they are likely to dissolve and to enter the field from another direction. But no civic club can wish for its members anything better than so to educate them that they will pass from the initial stages of civic effort on to the direct work from whose growing area the call for workers sounds so clear.

From the state reports, and from the answers to the questions which accompanied the request for them, and above all from the hundreds of letters which have passed through the department, one fact seems to stand out most clearly:

> If our actual organization is to keep pace with our dream, then we must realize that no dream can continue indefinitely on volunteer work alone.
>
> The truth is that the civic department has now outlived its period of amateur effort, and the work has grown too large for the hands of the volunteers who are attempting to carry it. If we are to get, not our maximum, but even a fair proportion of efficiency from the splendid unselfish desire now awake and alive in club women who are civic workers, then we must introduce into our work that to which every volunteer work must grow: the co-operation of trained and paid organizers.

The need was illustrated by citing that in Wisconsin there have been sometimes a dozen requests to the state civic committee for the chairman to go to towns to organize for civic study and civic work. No woman, unless she give her whole time to the work, can carry on actively such work as this. Not only so, but there is an enormous borderland of towns not yet at the point of asking for help, to which somebody should go to initiate civic work and create the demand for further co-operation from outside. And this should, in the opinion of the committee, be done systematically, county by county, in each state, "until not a single community is left in any state whose members have not had a direct chance to come into the great new current of social consciousness which is pouring round the world."

Concretely the recommendation of the chairman of the civic department would be for the appointment by the general federation board of a paid civic organizer, to go from state to state where the need is shown by these and later reports to be the greatest.

> To co-operate with the civic chairman of these states in the organization into civic clubs and civic departments of the many whose civic sense is awake, but who need direction as to how to function. Best of all, such an organizer could organize not only clubs but whole communities into self-conscious bodies meeting for the transaction of their own social business.

There is the most urgent and immediate need for this sort of work: For someone who sees what the social awakening means, for someone who understands the immense educational value of such work as she can direct the clubs and communities to undertake, both in programme planning, and in the adoption of definite activities.

Eventually, every state must have such a paid civic organizer, a paid civic secretary, if you like, supported by the state. Eventually every town must have, supported by the town, such a paid civic worker—a municipal secretary, if you like, a director of the great un-co-ordinated civic impulse stirring alive in towns large and small, and at last understanding that a civic secretary, a secretary of social work and recreational life, is just as vital as an inspector of weights and measures, of buildings, of sidewalks themselves. . . .

No more striking illustration of the growth of the civic spirit among women can be found than this recommendation. A further illustration is to be found in the fact that two books dealing with women and public affairs are to be published this autumn. Mrs. Charles A. Beard is preparing for the National Municipal League Series a book on "Women's Work in Municipalities" designed to tell the story of what women have tried to do in cities and towns up to the present time. In the telling of the story interesting studies will be developed, such as the constructive and organizing ability that women have manifested; how far their own initiative has extended; the gradual municipalisation of their enterprises and their attitude toward government responsibility for housing, vice, safety, health and similar problems; what forces have opposed their proposals and progress; their persistency and methods; and whether women have something peculiar to contribute to municipal life or whether there are no sex distinctions in public vision and endeavor.

Owing to the interlocking of municipal state and federal control of the elements that go to make up urban conditions of life and labor, some analysis will be made and description given of national associations whose activities react on the municipalities. Women as office holders and as voters will receive the attention they merit.

Significant of the widespread interest which this book has already aroused is a list of questions sent some months ago to Mrs. Beard by Mrs. Weston of California in the hope that the book will shed light upon the same. These are the questions, all of them concise and pertinent:

1. Why has women's work become municipal?
2. Do you think women's work has special claim upon the taxpayer?
3. How far has women's work had its origin in private initiative?
4. Do we overestimate the value of private initiative?
5. How long has it taken to make various activities of women municipal?
6. What forces have hindered early municipalisation in various places?
7. In what sense has the *esprit de corps* of the work been lost to women since it has become municipalised? Is no loss evident? Is *esprit de corps* essential?

8. How far would women extend the civil service in salaried work?
9. What municipal work should be done by women?
10. How does the work of women in suffrage and non-suffrage states compare?
11. Do women have a material and spiritual contribution for the municipality, and if so, in what does it consist?

No one will read the book without receiving help on all these questions, but the author has not answered them personally. Had she done so, she would have labelled herself a propagandist, she has preferred to let the story speak for itself.

The entire country has been drawn upon for data which are used as illustrative material only, however. There is no attempt at statistical valuation, the point of view being that what the few have done the many can do; that what has been done in some places can be done in other places; that the proportions of men and women engaged in municipal improvement are of minor consequence compared with the contribution of each to the sum total of good and the ability they manifest in co-operation.[1]

The American Academy of political and social science has a volume in hand on "Women in Public Life." It will be edited by Dr. J. P. Lichtenberger and made up of sundry contributions. Part I will deal with "The Feminist Movement" and will consider its character and economic basis; women's status as affected by tradition; the industrial changes and the position of women; the changed ideals and status of the family and the public activities of women and woman's place in the new civilization. Part II will consider the "Public Activities of Women," including women and legislation; woman's activity in the schools; civic activities of women's clubs; women is social reform and social legislation; women in municipal activities. "Woman and the Suffrage" will constitute Part III, and in it will be discussed equal suffrage—a problem of political justice; equal suffrage non-essential to equality of rights and privileges; economic value of the vote; socializing influences of the ballot on women; militant movement in England; the two suffragettes; women's vote and the liquor traffic.

Surely the civic work of women has come to be one of the big factors in our modern life.

Clinton Rogers Woodruff.

Philadelphia.

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[1] This book will be published by D. Appleton & Co., New York.

ST. LOUIS' SUCCESSFUL FIGHT FOR A MODERN CHARTER

AFTER living her municipal life for thirty-eight years under the theory and practice of checks and balances, St. Louis, on June 30, adopted a new city charter based on the theory of popular government and direct responsibility. The charter was adopted by the close vote of 46,839 to 44,158, a total of 90,997 voters out of 148,211 registered, (61%). The charter became effective August 29, with the exception of the provision relating to the single instead of the dual legislative body, which goes into effect in April, 1915.

This was the second charter submitted to the people of St. Louis by a board of thirteen freeholders within three years. The first charter, submitted January 31, 1911, was overwhelmingly beaten more than two to one. The second charter, just adopted, and the conditions surrounding it were entirely different. In the first place it was a much more radical charter than that submitted in 1911. Furthermore, this last board of freeholders conducted all its business in the open, called in experts from all over the country, heard all classes of citizens and then deliberately set out to write the kind of a charter which they believed the majority of the people of St. Louis really wanted. The former board failed to take the public fully into its confidence and submitted a charter on only a month's notice after eighteen months' deliberation.

But the most striking features in connection with this revolution in the public life of St. Louis do not have to do either with the form of charter or with the method of work of the board of freeholders. They have to do with the changes in the expression and make-up of public opinion. This is important for the reason that it is the first big thing that the progressive forces of the city have achieved in many years. Following by a month the great democratic civic pageant and masque (see *infra*), the charter election was the response of a new spirit in a city which has been divided, torn, hampered and hobbled by suspicion, apathy and conflicting issues.

The story of the play of forces in public opinion in St. Louis is not a new one. It is largely at bottom the old story of plunderer and plundered, of special interests versus the public. These special interests in St. Louis are popularly—or unpopularly—known as the "Big Cinch," and, of course center around the franchise-holding companies, most of which are controlled by a holding company, the North American company of New York. These interests, together with the Terminal railroad association, composed of all the railroads entering the city, have been enabled by their business and banking connections to secure for years extensive and unwarranted privileges.

The greatest public issue in St. Louis for many years has been the abolition of bridge-tolls on freight and passengers crossing the Mississippi river. To end that system of tolls, the people of St. Louis in 1906 voted $3,500,000 in bonds for the construction of a free municipal bridge. The amount voted was sufficient only to build the bridge structure itself, together with its western approaches. It has remained in the river unfinished for the past three years because the people have three times refused to authorize bonds for the completion of the eastern approach, on the ground that the approach as located would be controlled by the Terminal railroad association. This fight has been reflected in almost every other public issue. The same alignment of public opinion has held almost unbroken throughout. Suspicion on the part of one crowd of whatever the other crowd proposed has been the dominant note in public life. Roughly, on one side were the newspapers, the business organizations and their political allies; on the other, organized labor, the militant reformers, the Socialist party and the improvement associations.

From the start the charter movement was opposed by most of this latter group of forces because they saw in it just another attempt of the "interests" to gain more complete control of city government for their own ends. Their suspicion was without foundation, for these interests had nothing to gain from any change in government. The system under which they had developed and flourished suited them. Indeed, as the campaign developed, it appeared clearly that the franchise interests, so far as they dared show their hand, were lined up against the charter.

The opposition of the radicals was shorn of much of its influence by the open, democratic character of the whole charter movement. From the beginning, it was the product of widespread co-operation on the part of citizens organizations, such as the Civic league, the improvement associations and the neighborhood business associations. It was represented by no particular type of organization. The Joint charter conference, composed of forty-three of these organizations, secured the passage of the bill calling the charter election in April, 1913, and materially assisted in securing bi-partisan nominations for the board of freeholders. The almost equal division of strength between the Republican and Democratic parties in St. Louis is responsible for the ease with which bi-partisan agreements and good nominations can be secured. When three thousand votes one way or the other swing an election, both parties are naturally exceedingly careful.

The month's campaign was in charge of a thoroughly representative committee of one hundred, headed by the mayor, who although known chiefly as a machine politician when elected, has developed a singular capacity for progressive leadership.

Every device known to popularize an issue was used, including motion pictures, speakers from automobiles in the congested districts, noon-day meetings downtown, meetings in factories and in eighteen public school buildings. A ground floor down-town office in the midst of the business district was opened, and a staff of organizers and publicity men put to work with the secretary of the board of freeholders in charge. So much aid was given freely by volunteers that the total campaign expenses amounted to only $3,600.00. The Progressive city committee, heading a party with only 4,000 to 5,000 votes in the city, responded vigorously almost to a man. A handful of Republican and three Democratic city committeemen also did yeoman service. Although both the Republican and Democratic committees publicly endorsed the charter, many of the committeemen secretly knifed it. Most of them were so confident of its defeat that they did not exert themselves against it.

The opposition organization, known as the Anti-charter campaign committee, was largely in charge of Socialists and labor leaders. The Socialist party, which casts about 10,000 votes, was opposed to the charter chiefly because the single legislative body provided for the election of its members at large and the Socialists would thereby fail of an opportunity of representation. There was a marked split, however, in the ranks of the party, because from a non-political standpoint, the principles of Socialism could be greatly advanced under a municipal-ownership charter with direct legislation. The central labor union is controlled by Socialists, but the ranks of labor too were considerably divided—many of the unions individually supporting the charter. The socialist—labor opposition was as usual effective, not only in their own ranks, but outside. Their literature bore no party mark, and distributed as it was by volunteers from house to house throughout the city, carried its appeals to prejudice to thousands who knew little of the charter and who played safe by voting "no."

The most formidable opposition came from reactionary interests working largely in secret. Some of these interests at the eleventh hour came out with two-column, quarter-page newspaper advertisements appealing to the small property-owner and tax-payer on the ground that the charter would increase taxes. This advertising doubtless cost the charter thousands of votes, for it was almost impossible to meet. A wealthy brewer, the head of a phantom "tax federation," was the most conspicuous of the reactionary opponents. The anomalous situation was presented of such interests as these fighting hand in hand with the militant reformers and socialists.

It is interesting to compare the line-up of the forces in both of the charter campaigns—1911 and 1914.

1914—*For*

All the daily papers, with the exception of the *West liche-Post*, morning, German, which was non-committal.

All the weekly papers (except *Reedy's Mirror*).

The Progressive city committee.

Officially also the Republican and Democratic city committees, and all the important political leaders. (Actually only a few committeemen in either party supported the charter.)

The mayor and city administration.

The improvement associations.

Practically all civic and business associations.

"Downtown" business.

All the conservative and some of the militant reformers.

A large number of clergymen, including the archbishop.

The conservative labor leaders, especially in the building and printing trades.

Campaign in charge of a Citizens' campaign committee of 100, headed by the mayor, representing all elements of the community.

1914—*Against*

Most of the politicians of both leading parties, under cover.

The Socialist party (somewhat divided).

The public service companies and their allies, under cover.

Reedy's Mirror (weekly).

Organized labor (somewhat divided).

The People's league (representing a small group of labor leaders and radicals).

The Tax-payer's protective federation (representing the efforts of a wealthy brewer).

The militant reformers.

Opposition in charge of an Anti-charter campaign committee, officered by Socialists and trade-unionists.

Result of the election 46,839 for; 44,158 against.
Total voting 90,997, or 61 per cent of the registered voters.

1911—*For*

All the daily newspapers except the *Globe-Democrat* (morning Republican), which was non-committal.

Reedy's Mirror (weekly). (Other weekly papers non-committal.)

The mayor and city administration.

Downtown-business.

The conservative reformers.

Campaign in charge of a small citizens' committee of individuals of the "reformer" group.

1911—*Against*

Politicians of both leading parties, with the exception of that wing of the Republican party under the city administration.

The Socialist party.

The public service companies and their allies, under cover.

Organized labor.

Improvement associations divided, majority against.

The militant reformers.

Opposed by the People's league organized for the purpose, representing organized labor, militant reformers and Socialists.

Result of the election, 24,816 for; 65,324 against.
Total voting 90,141, or 58 per cent of the registered voters.

The charter campaign has given new life to the progressive forces who have been struggling for results for years. A new civic unity seems to be in the making, and a new sense of confidence in leadership aroused. St. Louis has been a city without leadership. The new form of government will provide not only leadership through city government itself, but a leadership on the part of citizens and associations of citizens who gain strength through the popular government features of the charter.

The advent of popular government makes imperative the better organization of public opinion. This, fortunately, is being promoted through two agencies: first, the wider use of the public schools just made possible by new rules of the board of education, permitting the free use of school buildings outside of school hours by any association; and second, by the organized co-operation of every association of citizens in the city. A definite plan of co-operation has been worked out quietly for several years. It is proposed now to bring these agencies together through delegates in a permanent city conference to meet monthly for the discussion of public issues, presided over by the mayor. In this way that public opinion which expresses itself in these organizations and which has such great power under the initiative, referendum and recall, can be intelligently directed.

While this statement has attempted to present briefly the alignment of forces in the remaking of city government in St. Louis, it would not be complete without a sketch of the chief features of the charter just adopted. Those features are:

1. *The initiative and referendum at low percentages;* the initiative petition for a general election being five per cent of the registered voters—and for a special election seven per cent. The submission of an ordinance satisfactorily acted upon by the Assembly is prevented by permitting four of the official committee of five petitioners to waive its going to the people.

The referendum is optional and excepts emergency ordinances. The definition of an emergency ordinance is explicit. Seven per cent petitions refer to a general election; twelve per cent to a special.

2. *The recall;* an election for the recall of any elective officer must be held on petition of twenty per cent of the registered voters in two-thirds of the wards. At the election only the single question of recall is submitted.

3. *Municipal ownership of public utilities* of any kind is provided for.

4. *One house of legislation,* composed of twenty-eight aldermen, elected at large, each one, however, representing a different ward. The president is elected at large. (The old system consisted of two houses, one elected by wards, the other at large.) The legislative body is shorn of its power to grant permits, pass ordinances for the making of streets, etc.

5. *An efficiency system*, under three commissioners appointed by the mayor. All appointments and promotions must be made on an efficiency basis after a public competitive examination. The appointing officer may appoint any one of the three highest on the list of eligibles. He may discharge at will but must assign his reasons in writing if requested. The heads of departments and divisions and their personal assistants are excepted.

6. The only elective officers are the mayor, comptroller, and the members of the board of aldermen.

7. The administration of city affairs is directly in charge of the mayor, who appoints the five members of a board of public service, each one the director of a department, consisting of various divisions. The departments are: Department of the president, public utilities, streets and sewers, public welfare and public safety.

8. *A board of estimate and apportionment*, with complete control of the city purse-strings; consisting of the mayor, the comptroller and president of the board of aldermen.

Among the other features of the charter are provisions for special taxes for all public improvements, rigid regulation of franchises, higher salaries for the important officers ($10,000 for the mayor, $8,000 for the director of each department), and the abolition of most of the citizens' boards which have been necessary under the old charter to prevent political encroachments.

One feature of the charter is admittedly unsatisfactory—the make-up of the board of aldermen. It was the cause of two members of the board of freeholders declining to sign the charter draft and the fundamental cause of the active opposition of the Socialist party and of labor. It was a compromise, adopted because of a limitation in the state constitution which prescribes for St. Louis, "a mayor and, at least one house of legislation, elected on a general ticket." The board of freeholders thus faced the dilemma of *two* houses of legislation or one house elected at large. Public sentiment was apparently against a house elected at large. Ward representation was generally popular. The Socialist party wanted proportional representation, which only the legislature can provide. The board of freeholders decided that it was better to have one house with some recognition of ward representation and have that one house fairly large than to have a small house elected on a general ticket. The charter provides, however, that when the state constitution permits, the legislative body shall be elected by wards. It also permits proportional representation and preferential voting when the legislature makes provision. A movement will doubtless be inaugurated to change the form of the legislative body in the next legislature in time to make the changes effective before the first election under the charter.

Although St. Louis has home-rule in most matters, state laws, of course, supersede charter provisions. For that reason, the board of freeholders was unable to effect any change in the election laws, which are politician-made for the benefit of politicians. The next big task in good government before St. Louis is to persuade the legislature to take that yoke off her neck by a thorough revision of election laws applying both to city and state.

Roger N. Baldwin.[1]

CIVIC AND SOCIAL SURVEYS AND COMMUNITY EFFICIENCY

DURING the past decade interest in civic and social surveys has been steadily growing. Survey after survey has been made as a protest against guessing at the solution of community problems. Back of this is a recognition of important changes in human relationships due to the tremendous development of industries, the enormous growth of cities, the movement of population to cities, immigration, the influx of women in industry and other causes. With these changes have come new problems in government and its administration, new problems in social, in economic and in church life, calling for diagnosis and study to learn whether the old machinery and provisions for individual and social advance are filling the new needs. There has been a great deal of experimentation to get at, interpret and solve these problems, and with this has developed the idea of civic and social surveys. Such surveys may now be regarded as the recognized method of social discovery, and, supplemented by the exhibit as an agency of popular interpretation, may be accepted as having demonstrated their usefulness as a means to be employed in auditing present efficiency, in securing effective action, and in constructive planning for the future.

The relation of surveys to community efficiency is well set forth by Dr. William H. Allen in an article in the March, 1913, number of *The American City*. He says:

> The Associated charities of Syracuse wanted facts about charities efficiency. Out of that desire a city-wide study of the charities department, schools, health department, methods of accounting and reporting, etc. Ten men in Waterbury, Conn., wanted to find out whether the city's accounting methods were adequate. Out of that want grew a city-wide survey of accounting methods, police department, schools, charities, public works, budget making, etc. Atlanta's chamber of commerce wanted a fact basis for intelligent co-operation with city officials in deciding upon large policies of development certain to confront that rapidly-growing city. Out of this want grew a city-wide survey with statements of fact and constructive suggestions regarding the following

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[1] Secretary, St. Louis Civic League.

departments: construction, fire, police, water, park, sanitary, health, buildings, weights and measures, licenses, purchase of supplies and materials, payment of claims, bank deposits and treasurer's balances, bonded debt, collection and assessment of taxes, budget methods, central control, and schools. The St. Louis voters' league wanted facts for intelligent consideration of charter needs. Out of this grew a survey of accounting and reporting methods, water department control, etc. The Socialistic administration of Milwaukee wanted a fact basis for beginning to redeem its pledges of efficiency. Out of that grew a city-wide survey and a bureau of economy and efficiency. Governor McGovern of Wisconsin wanted a fact basis for redeeming his pledges. The state board of public affairs of Wisconsin began a state-wide survey of every activity upon which state funds were spent, including public schools.

Along with the desire to know the truth and the whole truth, to correct, and to secure permanent results, has come the development of agencies and directive initiative which supply the leverage that enables communities to lift themselves above their situation, to know themselves in their good and bad aspects, to see the way to improvement, and to find the solution of their problems.

In the promotion of governmental administrative efficiency especially notable is the work of the New York bureau of municipal research, founded in 1911. In the administrative affairs of New York City alone this agency is credited with having saved the city several million dollars. Its studies, surveys, constructive criticisms and improvement programs have resulted in increased efficiency in administration not only in New York City, but also in Atlanta, Dayton, Dobbs Ferry, N. Y., Jersey City, Milwaukee, Montclair, Nassau County, N. Y., the states of New Jersey, Wisconsin and Ohio, Orange, N. J., Philadelphia, Pittsburgh, Reading, Portland, Ore., Rochester, Schenectady, Seabright, N. J., Springfield, Mass., Waterbury, Conn.

At the desire of a community, this bureau sends trained and experienced men, usually in four teams corresponding to the four main groups of administrative functions:—organization, financial methods, assessments and collection of taxes, and accounting; police and fire departments, penal institutions, etc.; health, sanitary and social work; and highways, sewers, buildings. In small cities and communities the work is often done by one or two men. After ascertaining the statutory, charter and other legal provisions relating to local affairs, and informing themselves as to the general organization provided for administration of the several departments, bureaus, boards, commissions, etc., these men, co-operating with the officials in charge, obtain accurate information relative to revenues, expenditures, budget making, accounting and auditing, debt, public works, health, police, fire, and other operating facts. In each of the fields mentioned not only do they make scores of tests to learn whether there are opportunities to increase the efficiency of the government and to cut down expenditures by the elimination of waste, but they also carry on investigations to find out whether there have been utilized in all the departmental offices the aids to efficiency and economy which are to be found in private business and in efficient government. The report of the bureau on its investigation then outlines a constructive program of improvement and suggests the practical means of correcting existing defects. As a result of the enormous demands for its service and assistance, the bureau has established a training school for public service to provide on a large scale the experts required by its investigations.

In the field of civic, social, industrial and sanitary betterment, the department of surveys and exhibits of the Russell Sage foundation, established in 1912, has become a national force and clearing house. Its object is to define and spread the social survey idea; to collect and keep within easy reference reach through pamphlets, reports, photographs, drawings, miniatures and models, information on survey experience that has been gained thus far, and to build up an agency for assisting communities to organize surveys. It acts particularly on the principle that surveys should co-operate closely with organized social work—local, state and national, especially those agencies of national scope which have accumulated the largest amount of knowledge and experience in handling the problems in their respective fields. This co-operation helps toward obtaining the specially trained workers essential to accurate and productive surveys. On the other hand, it assumes that the survey is an effort toward a democratic solution of local problems and therefore must be shouldered by representatives of all interests and groups in the population. So that while it brings to bear on the local problems the knowledge and experience of experts, it works through committees made up of business men, large employers of labor, labor leaders, workingmen, ministers, doctors, lawyers, teachers, social workers and municipal officials. In this way it aims to organize surveys and investigations into the conditions of education, public health and sanitation, civic betterment and betterment agencies, recreation, industrial conditions, delinquency, taxation and public finance, which will result in: first, a sufficient body of local facts to permit the planning of an intelligent program by the department for community advance for several years, showing not only what to build but also what to build on and with; second, the means of enlisting public support for measures which champion human welfare; and third, the collection of sufficient data to point out the problems which need thorough and continuous investigation.

Thus the Department attempts to link up every available force into one big effort to mould through the medium of local facts a more intelligent public policy. Under its direction, efficient surveys and community programs have been made in Ithaca, N. Y., Scranton, Newark, South Brooklyn, Atlanta, Newburgh, N. Y., and Topeka, Kan., and at the present time has under way a survey in Springfield, Ill.

For the study of church efficiency, the Bureau of social service of the Board of home missions of the Presbyterian Church in the United States was established in 1911. Under its impulse seventy North American cities, including Cleveland, Buffalo, Chicago, New York, Newark, Elizabeth, Utica, with a combined population of 20,000,000, have been surveyed. Through pastors and committees of the various churches investigations outlined by the superintendent have been carried on covering facts vital to efficient church service in the community: population, social influences, industrial life, saloons, liquor traffic, dance halls, crimes and arrests, housing, health, political life, social service agencies, relief of the poor, public schools, libraries, recreational life, juvenile delinquency, and general conditions among the churches. The bureau prepares the survey blanks for the ministers and laymen, designs and finishes the charts used in each city, interprets the material gathered by the local committees, and summarizes the studies. The object of the bureau is through the employment of unprofessional service to develop a company of local experts in the most important community problems by bringing the individuals into first-hand contact with local conditions.

For more than a decade Mrs. Caroline Bartlett Crane has been an authority on civic conditions, and during this time has conducted surveys in more than half a hundred cities in the United States. Her work has been especially notable in the field of sanitation, and her reports cover the problems of public water supply, sewerage disposal, street sanitation, garbage collection and disposal, smoke nuisance, milk and meat supply, market and bakery sanitation, almshouse conditions, county and city jails, and public health administration. Her aim has been not merely to point out defects and suggest remedies, but also to create public sentiment in favor of reform. In the last respect it is an interesting fact that in her efforts she has brought into active co-operation not only city officials, but also chambers of commerce, boards of trade, business men's associations, civic associations, and especially women's clubs, all of which have helped her by furnishing her, in advance of her necessarily brief personal visit and survey, with local ordinances bearing on sanitation, city charter provisions, printed departmental reports, maps marked to show extension of water supply, sewerage service, parks and playgrounds, and other authenticated information essential to reliable conclusions in regard to local conditions. Her surveys have been therefore not only an impulse to improvements in sanitation, but also a stimulus in public education as a result of the preliminary study and preparation carried on by the local organizations and individuals. Among the cities covered by her surveys are to be found Scranton, Erie, Wilkesbarre, and Uniontown, Pennsylvania; Nashville and Knoxville, Tennessee; Saginaw, Calumet, Hastings, and Comstock, Michigan; Rochester; Concord, New Hampshire; Hagerstown, Maryland; Montgomery, Alabama; Louisville, Lexington, Frankford, Paducah, and Bowling Green, Kentucky; St. Paul, Duluth, Winona, St. Cloud, and twelve others, Minnesota; and Seattle, Spokane, Tacoma, Bellingham, Olympia, Everett, and seven others, Washington.

A good example of what might be done with advantage in all sections of the country is the series of social and economic surveys of rural townships in Minnesota conducted by Carl Thompson and G. P. Warper, who have been making intensive studies of the nationality, work, business relations, farmers' organizations, civic relations, roads, education, religious activities, social and recreational life and facilities with a view to constructive efforts at betterment. In the same state, the league of Minnesota municipalities is planning to conduct a series of surveys of smaller towns and villages, beginning with the village of Herman, to develop interest in local improvement and the work of the league.

Murray Gross.[1]

CINCINNATI'S CHARTER CAMPAIGN

THE proposed new charter for Cincinnati submitted to the electors of that city on July 14 in accordance with the home rule provision of the recently amended state constitution, was defeated by a vote of 27,823 to 21,253. The recall which was submitted separately was defeated by a vote of 26,437 to 21,469. A number of bond issues submitted to the people at this time, as required by state law, also met defeat, none receiving the required two-thirds vote, although the issue for the House of refuge received a majority vote.

The story of the effort to secure a new charter in Cincinnati is in brief as follows:

Late in the spring of 1913, a group of citizens of which Rev. Herbert Bigelow, late president of the Ohio constitutional convention and a member of the general assembly, was the leading figure, initiated a proposal for the calling of a charter commission to draft and propose a charter for Cincinnati. This group named what they called the "Civic and Labor" ticket. A number of the fifteen candidates had been prominently associated with labor organizations. The situation in the city at that time was rather tense. We had had a number of very disastrous strikes, some of them then in progress, the most important being the street car strike, the ice strike and the teamsters' strike. Business suffered very severely because of these conditions. In the general assembly, Mr.

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[1] West Philadelphia High School.

Bigelow had fathered a bill which passed the lower house, but was defeated in the senate, designed to repeal the law under which the franchise of the Cincinnati traction company had been granted. This measure resulted in a very pronounced feeling pro and con with respect to Mr. Bigelow, consequently, as soon as the "Civic and Labor" ticket was named, opposition developed and a second commission was nominated. This group was headed by W. A. Knight and was called the "Citizens' " ticket. It was named by the joint action of practically all the civic organizations of the city, and it is generally thought that a very fair and representative ticket was chosen, possibly rather conservative. This ticket it developed, however, was in favor of a new charter, and consequently those who were opposed to any change organized in the third group, known as the "No-charter" group.

The election was held on July 30, 1913, and resulted in a vote for the election of a commission of 19,666 for and 19,576 against. In the election of the charter commissioners, the Citizens' ticket was successful throughout, defeating the Bigelow ticket by 5,000 votes. In this campaign two of the three groups were fighting for the charter as against the No-charter organization, and succeeded in winning by the narrow margin of ninety votes. In the selection of the Citizens' ticket two groups were working against a single group, because the No-charter group voted for the Citizens' ticket as a second choice proposition, arguing that while they were opposed to any charter commission, were one to be chosen they would prefer the Citizens' ticket to the Civic and Labor ticket. At the same election a proposal submitted by the general assembly to reduce the size of council was defeated by a vote of 27,155 to 22,617.

The state constitution requires commissions so elected to submit a charter within a year. Effort was made to submit a charter before summer so as to avoid the necessity for another summer campaign. Various delays, however, resulted in the election day being fixed at July 14.

The charter as submitted was a good document, and I believe preferable to the general code. All of us have differences of opinion respecting the advisability of certain of its features. It is a conservative document, and would have been an improvement. It was unanimously signed by the members of the commission.

In the election, the issue centered very largely on the question of the character of the council, the non-partisan ballot, and the placing the power of choosing heads of departments in the hands of the mayor. There were a number of minor issues which affected a good many votes, such as the provision for the control of commercialized recreation, the publication of a municipal journal to replace advertisements in the newspapers, the power given the civil service commission, but the main issues were those first stated. The charter was endorsed by the Chamber of commerce, the Business men's club, the Federated improvement association, the Federation of churches, the Bureau of municipal research, the Council of social agencies, and the Democratic local central committee. Of course, many of the members of these organizations, particularly of the chamber and the Business men's club were opposed to the charter. The Republican organization and the city administration were very actively opposed to it, chiefly because of the council to be elected at large and of the non-partisan ballot. The Socialists condemned it, because of the non-partisan ballot. The labor organizations pronounced for it. Of the four newspapers of the city, printed in English, the two morning papers were strongly opposed to the charter. One of the evening newspapers supported it and the fourth took no stand for or against.

The heavy vote polled is indicative of the interest taken in a special election coming in mid-summer when there were no candidates to be chosen. Our total vote is about 90,000. The vote the charter received would have been sufficient to have carried it in any city in this state, which has voted on a charter. Two unusual results are shown in the charter election. One, is that the recall, which was submitted separately from the charter proper, received a higher total vote than did the charter, and second, that the vote for and against the charter was fairly uniform throughout the city. Nearly every ward returned a slight vote against the charter and the same uniformity is evidenced generally in the precincts.

It is a little difficult to state what causes led to the results of this election. The Republican organization was very active in its opposition and the heavy vote polled is undoubtedly largely attributed to this fact. On the other hand, some of the charter friends think the Democratic organization did not poll as many favorable votes as would have been cast had the party been enthusiastic in its support. Disappointment was also felt in the labor vote. While the labor leaders were in favor of the charter it is apparent that a great many of the labor votes were cast against it. The Bigelow faction as such, took no active part in the campaign, and Mr. Bigelow himself was out of the city during the greater part of the campaign and during the election. The fact that the vote on the recall was heavier than on the charter can only be explained by the vote of the Socialists, who control maybe three thousand votes, in favor of the recall, but against the charter, and a similar vote on the part of a good many of the Bigelow followers. Undoubtedly, a great many votes were cast in favor of the charter, but against the recall, so that there was a considerable majority to overcome.

The result of the charter election was anticipated although toward the end of the campaign the pro-charter force received a great deal of encouragement. The movement has cost the city of Cincinnati about $100,000.00. Two special elections were held at a cost of possibly $66,-

000.00. The city appropriated for the commission about $25,000.00, and the amount spent in the campaigns would easily bring this to the figure named. The value to the city from the educational standpoint, however, has been very great, and the feeling is general that before long another charter will be drafted which will utimately be adopted.

S. Gale Lowrie.[1]

ABSENT VOTING

A FLOOD of bills has been introduced in the legislatures of the various states during the last few years providing schemes to permit absentees to vote, showing that there is a strong public sentiment against longer disfranchising those whose business takes them away from home on the registration days or on election day. Some of these bills became laws in 1913 and more may be expected to pass in the sessions of 1915.

Three plans are in use in various countries to enfranchise absentee electors: one is to allow the voter to go to any polling place and deposit his ballot which is sent to the board of canvassers of the county wherein he resides; the second is to permit the voter to send his ballot to his home precinct by mail, and the third is to allow the voter who expects to be absent on election day to vote in his own precinct before leaving home. These three methods may be designated absent voting, postal voting, and early voting. Some plan to permit absentees to vote obtains in the Dominion of Australia, the province of West Australia, New Zealand, Norway and the Swiss cantons of Berne and Zurich. The states of the Union which have such laws are Kansas, Minnesota, Missouri (for the city and county of St. Louis), Nebraska and North Dakota.

In most of these states and countries absent voting is the rule. In Kansas, Missouri and Nebraska the elector subscribes to an oath or affidavit stating that he is a voter in a given precinct. A penalty attaches for swearing falsely. A better method is provided in Australia and Minnesota where the voter is required to produce some sort of an identification paper from his home precinct. He may then vote where he happens to be. The ballots under either of the schemes are not counted where voted, but are sent by mail to the voter's home county or precinct officials. Postal voting is in use in New Zealand, Norway, and was until 1911 in Victoria province. Australia formerly permitted both absent and postal voting, but in 1913 the postal voting law was repealed because of alleged frauds in connection with it. The present ministry, however, are endeavoring to have it re-enacted. In the Swiss cantons of Berne and Zurich the absentee voter may send his ballot by another voter instead of by mail, but no voter may deliver the ballot of more than one absent voter. In North Dakota the voter may either vote by mail or vote before leaving his home precinct.

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[1] Professor in the University of Cincinnati, and director Municipal reference bureau.

The absent voting laws of the states, except Kansas, were all adopted in 1913, and no election has occurred since. Kansas has permitted absent voting for several years. It is estimated that 5,000 absentees voted in 1912. These were made up largely of railroad employees, students, traveling salesmen, public officials and inmates of the soldiers' home. No data is available concerning the number of absent voters in Norway, the Swiss cantons or New Zealand. In Victoria[1] province in 1908 there were 3,790 absent votes amounting to four and one half per cent of the total votes recorded, and in 1911 there were 12,362 absent votes amounting to three and thirteen hundredths per cent of the total votes cast. In Australia[2] in 1910 there were 31,217 absent and 29,249 postal votes cast. In 1913 after the repeal of the postal voting provisions the absent votes had increased to 191,116, amounting to nine and three fourths per cent of the total vote recorded.

The above represents practically all the data available on the number and character of the absentee voters in places where they are permitted to vote. Some interesting facts both as to number and character of absentees where no absent voting law has been passed, were brought out in a recent survey of four Columbus and three Cincinnati precincts in connection with a study of compulsory voting.

A house-to-house canvass of two of the better precincts in Columbus after the 1913 election showed that fifty-six per cent and forty-five per cent respectively of the non-voting electors were absent. These absentees were equal in number to thirteen and three tenths per cent and thirteen and one tenth per cent respectively of those who voted. From such fragmentary data not even a close approximation can be made of the additional number of votes that an absent voting law would cause. They do show that a large number and not an inconsiderable part of the electorate would be enfranchised by a carefully worked out absent voting law.

Authentic information as to the character of the voters that would be enabled to vote by an absent voting provision cannot be obtained. The law is very popular in Kansas, Australia and New Zealand and the opinion is given by observers in those states that the absentee voters are largely of a desirable class. This opinion is borne out by facts brought out in the survey in Columbus and in Cincinnati. From two of the better precincts in Columbus fifty-six per cent and forty-five per cent respectively of the non-voters were absent from the city, while from the two poorer precincts, one from a white slum and the other from a colored slum section, only twenty-seven per cent and eight and seven tenths per cent respectively of the non-voters were absent. In Cincinnati eighty-eight and nine tenths per cent and forty-one and seven tenths per cent respectively of the non-voters of the better precincts were absent and only twenty-five per cent from the slum precinct, indicating that the absentees come from the more desirable classes of our citizenship. Granting that the absentee elector would be a valuable addition to our voting electorate, there remains only the problem of safeguarding his ballot so that it cannot be used fraudulently and of providing these safeguards without adding too much to the already heavy expense of conducting elections.

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[1] Victorian Year Book, 1911–12, page 56.

[2] Data furnished by G. H. Knibbs, Commonwealth Statistician.

The danger to be guarded against is succinctly set forth by Justice O'Connor of the High Court of Australia.[3] Speaking of the absent vote he says: "That vote, generally speaking, will be exercised a long way away from the voter's division, it may be out of his state altogether, and probably amongst people who cannot identify him and who know nothing about the form in which his name appears on the electoral roll. So that there is absolutely no safeguard to ensure that the elector himself, and not somebody who is personating him, has obtained the ballot-paper. In this method of voting there are infinitely more opportunities of personating than in any other method, and one would expect the legislature would take particular care, in setting the machinery of the act in motion, that there should be a safeguard concerning the issue of the ballot-paper. Unless that safeguard consists in the obtaining of a witness to the application there is no safeguard, and in the nature of things, there can be no safeguard."

The Australian and probably the Victorian postal ballot laws were repealed because of the frauds that were alleged to have crept in. In Australia they designated a certain class of officials who alone were permitted to attest an absent voter's ballot, thinking by this precaution to have upon the ballot certificate the name of a responsible official whose position would be in danger if the vote was found to be fraudulent.

The North Dakota law makes it possible for electors who expect to be absent on election day to vote before leaving town. This enables traveling salesmen, railroad employees and others who are home a few days prior to election to vote in the home precinct. Others, such as students in the colleges and universities, public officials and inmates of the soldiers' home may vote by mail. This plan has many advantages. Danger of personation is minimized, and the voter may express his judgment concerning local officers and measures. The difficulty is in providing a method of safeguarding the ballots which have been voted until election day, and in avoiding the too great cost of keeping the polls open for ten or fifteen days before election.

In 1909, while a member of the California senate, the Honorable L. H. Roseberry introduced a so-called postal primary law. At that time

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[3] Concurring Opinion in Maloney *v.* McEacharn, Commonwealth L. R., Vol. I, page 82.

California was considering the adoption of a direct primary act. A very sharp controversy arose between the present primary law and this bill. The enemies of the principle of direct primaries attempted to use the situation for the purpose of defeating any law upon this subject at all. To relieve the situation and combine all forces, Senator Roseberry finally withdrew the measure, which permitted the present law to be enacted.

The reasons prompting the introduction of Senator Roseberry's measure were, to quote his words, as follows: "A direct primary law is successful only in the degree and to the extent that it secures a representative vote of the electors at the primaries. If two-thirds, half, or less of the registered vote was cast, the law is, in my opinion, only two-thirds, half, or less successful. The great unvoting classes represent in a sense the uninfluenced, as well as a most desirable, vote. If it can be secured, it is often sufficient to turn the tide of battle, and make successful the principle of direct nominations. It has become undisputable that ballots by mail, as used by labor unions, commercial fraternities, and other societies and organizations, are practically unanimous and, therefore, highly successful. People seem to be quite willing to cast a vote, when the ballot is placed on their business desks, or at their homes, and they are allowed to express their opinions privately, at leisure, and without sacrificing their time from other activities. This principle seems to be growing in importance, rather than decreasing, due probably to the intensive activity of our people, and the growing tendency to gear up the energies of the race. Notwithstanding the widespread interest in public affairs, the great body of the people are reluctant voters. It is extraordinary to secure at even the most hotly contested elections more than three-fourths of the registered vote; it is quite ordinary to reach less than one-half.

"The opponents of primary laws are almost right in their contention that such laws are operating with indifferent success, if they are not complete failures, so far as they secure any representative expression of the will of the people in the selection of candidates for public offices.

"To remedy this embarrassing condition, legislators have suggested schemes for penalizing the non-voter through fines, disfranchisements, and other obnoxious measures, which are sad reflections upon the voters of this democratic country. No such schedule of penalties can be at all successful, for the simple reason that they would not be supported by public opinion. The remedy lies in adapting the ballot more properly to the present economic and social conditions of the people. A method must be devised to make voting easier for the majority of our population, or else the duty will be shirked.

"These were some of the reasons which convinced me of the desirability of a ballot by mail. The plan which I had outlined provided for a threefold check upon the ballots sent out and received, including the signature of the voter, or his mark, witnessed by two electors, if he was unable to write his name. The only objection that was ever raised to this plan, was because of the alleged opportunity it offered for secretly corrupting the voters. I fail to agree with the seriousness of this objection, for three reasons:

"*First.* Because of the extreme difficulty of reaching any considerable number of voters, which are scattered into every home and office of the city, county and state.

"*Second.* Because of the high penalties for buying votes, assisting in the preparation of the ballot, or being present at the time the voter is marking the same, excepting for the purpose of assisting the voter who required such.

"*Third.* Because of the increasing political morality of the people, which resents the intrusion of corrupt influences. Doubtless a number of votes would be corrupted, but any wholesale plan would be impossible; while a large increase of untainted vote would far offset the tainted vote.

"The drift of public opinion is most surely in this direction, for the voters are demanding some revision of our antiquated scheme which compels them to vote at a given time and place, under the pain of disfranchisement. Men are too often away from home on business matters, or are greatly inconvenienced through being forced to leave important affairs and occupations to cast their vote. The facts show that they will not do it, and thus the large class of intelligent, highly desirable, non-voters.

"I know of no more successful system, nor one better adapted to our present economic conditions, than the ballot by mail. Its adoption would mean the absolute vindication of the primary nomination laws, and, in fact, the whole system of voting at both primary and general elections."

WILLIAM T. DONALDSON [4] and L. H. ROSEBERRY.

THE SINGLE TAX AND AMERICAN MUNICIPALITIES

STUDENTS of the single tax should be cautioned in advance that the exemption of improvements and the resort to a land value tax for municipal purposes alone, may not bring in its train all the advantages that will follow the adoption of the full single tax, or the taking of all economic rent, or land value. Indeed, the effects of a total exemption of improvements may conceivably be without any marked advantages, though always to be advocated as a necessary step to the full resumption of social wealth, or land value. For much depends upon local circumstances, assessments, and the rate of taxation.

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[4] Of the Ohio Legislative Reference Department.

In 1911 Luther S. Dickey spent several months in the city of Vancouver, as a representative of the *Single Tax Review*, gathering material for the history of the single tax in that city. The May-June number of 1911 contained the results of Mr. Dickey's careful investigations, and on page 13 he said: "The landowners, as a matter of fact, receive greater benefits from the single tax than even the builders and building owners themselves, for while the tax on improvements has been abolished, the land tax has not been increased, and still remains twenty-two mills on the dollar, just what it was before the single tax was adopted." To this the editor of the *Review* appended the following note: "This must be accepted as a statement of fact, and not as favoring the taking of no more than twenty-two mills on the dollar. It is no part of the single tax to favor landowners as landowners. But because ninety-nine per cent of landowners have interests as builders, capitalists or laborers, their gain from the application of the single tax principle must be quite as great as that going to other members of the community. If this tax of twenty-two mills on the dollar leaves the same amount of economic rent or site value in the hands of the landowners as before, or if—as now seems the case in Vancouver—the impetus to prosperity caused by the removal of the tax on buildings has been to actually increase economic rent or site value remaining to landowners, there is even greater necessity of keeping on in the way the city has begun, and taking gradually an ever increasing proportion of land values until the full amount is absorbed for public purposes. Otherwise Vancouver faces the inevitable interruption that comes to a 'boom town' whose history is a matter of record."

Many recent arguments against the single tax, drawn from the example of Vancouver, make the repetition of this caution necessary at this time. Also it is to be remembered that land is assessed at only fifty-five per cent of its value, if my information is correct.

In large cities and towns where the listing of real property under two heads, "value of land" and "value of improvements" obtains, there has been a constant tendency to the higher taxation of land values and lower taxation of improvements. Unimproved city lots, formerly assessed as agricultural land, have been made to bear an increased burden. Everywhere this tendency is observable. The old point of view of assessors in assuming that because land yielded no present revenue it was therefor to be leniently treated, has given way to a saner recognition of what is due the community by those who profit by its growth without commensurate contribution.

In the application of the single tax for municipal purposes, as well as in its territorially wider application in the exemption of agricultural improvements and personalty of various kinds, western Canada has led the way. Vancouver, Victoria and Prince Rupert for local purposes tax land values only. Edmonton adopted the pure land tax in 1912.

In Winnipeg the assessment of buildings is about two-thirds that of land, and pressure is being brought to bear upon the authorities to go further in the direction of the single tax. Though this movement does not lack critics as well as those who prophesy disaster, it appears to have commended itself to the members of these communities, and no formidable effort has been made to return to the old system. The growth of these communities has been phenomenal. In the year in which Edmonton adopted the pure land tax—1912—the value of permits for new buildings rose to $10,250,000 over $2,197,920 in 1911. Medicine Hat, another town to adopt the pure land value tax, had a 400 per cent increase of population in 1912. It took the city council of Vancouver a little more than five minutes to decide that there should be no taxation of improvements this year. On April 27 this was carried without a dissenting vote.

Among the more striking examples of the approach to the single tax in the United States is the city of Houston, Texas. This city derives seventy-five per cent of its revenues from land values and twenty-five per cent from improvements. Personal taxes are not collected in Houston. No more than about ten per cent ever was collected, so it would be more correct to say that, under the present administration, no attempt is made to collect them.

The "Houston plan of taxation" has become suddenly famous along with the interesting personality of its originator, J. J. Pastoriza, one of the officials in the commission government of that city. When elected commissioner some three years ago, Mr. Pastoriza did not wait for permission of the legislature to adopt the single tax plan, but went ahead and applied it, and so popular has it become that few of the citizens of Houston would dream of returning to the old system.

And the results seem to have justified the experiment. When Mr. Pastoriza had finished with his tax bills he found that 5,000 tax payers, or a clear majority, paid less taxes than under the old system. There are no taxes upon credits, notes, mortgages, bonds or stocks, and as a consequence the man who needs money can borrow it at a fair rate of interest. The city announced that it would not place cash upon its assessment rolls, and as a result the bank deposits increased $7,000,000 in two years.

Those who hold vacant land are improving it. The building permits for the first six months of 1912 showed an increase of fifty-five per cent over the first six months of 1911. Population increased fifty per cent in two years. Nor, according to the testimony of Commissioner Pastoriza, has the system made mortgage loans any the less desirable. And as further proof that the system is working well and is popular Commissioner Pastoriza has announced that with the year 1914 land will be assessed at 100 per cent and improvements not at all.

The results in Houston, it may be noted, have not been the same as in Vancouver where land values have greatly risen. In Houston many landlords have reduced the price asked for land, and house rents have in many instances fallen. This is due of course to the fact that the rate is higher than in Vancouver and valuations nearer the true value.

This system has proven immensely popular in Texas, so that Galveston, San Antonio, Waco and Beaumont have taken steps in the same direction, though none of them have yet ventured to go so far.

In view of the results that have followed the adoption of the single tax in Houston it is difficult to understand the grounds of opposition to the very moderate provisions of the Herrick-Schaap bill for New York City which proposed to do in five years what Houston accomplished over night. The purpose of the bill was to reduce the taxation on improvements ten per cent each year for five years until a fifty per cent exemption was reached. There were numerous legislative hearings upon this measure, and arguments before the mayor and members of the city government both for and against. There were hundreds of street meetings, and over thirty-eight thousand signatures were obtained urging upon the legislature the submission of the measure to a referendum. Much popular interest was excited, and the real estate associations of the city, or rather their very active spokesmen, were thrown into something very like a panic. The mayor has appointed a committee to investigate and report, and this committee appears, on the whole, as favorable to the adoption of some tax relief measure for the city as in the present state of public opinion could be hoped for. Their report will be awaited with interest.

About a year ago the city of Pueblo, Colorado, surprised the country by adopting the single tax after a brief campaign carried on almost single-handed by a young man who had become a recent convert to the principles of Henry George. The constitutionality of that law is before the courts, but in the meantime Pueblo's county assessor is at work on the new valuations to be placed on land under the single tax amendment. The Pueblo measure leaves a one per cent tax on improvements to conform with the constitution, and derives the other ninety-nine per cent of the local revenues from land values.

As is known to most readers the state of Pennsylvania passed a law about a year ago providing for a ten per cent reduction of taxes until a fifty per cent reduction is reached, this provision to apply to cities of the second class. The cities coming under this provision are Pittsburgh and Scranton. So little excitement was caused by this law that it is doubtful if a majority of the tax payers of either of these cities knew of the passage of the law in advance of the presentation of their tax bills. But there will be no panic, and the real estate interests of these cities will find no trouble in conforming to the new conditions.

In California there is a movement for home rule in taxation and this is to be the subject of a referendum in the fall. The impulse which has set in motion this campaign is undoubtedly the desire of the cities of the state to emulate the example of Houston and the Canadian cities.

In Washington, District of Columbia, one of the district commissioners, Oliver P. Newman, has urged that the district revenues be raised by a tax on land values alone, and in this he is known to have the support of another member of the commission, F. L. Siddons. The commission consists of but three members.

The city of Everett, Washington, at one election defeated, and at a subsequent election passed the single tax by a large majority. This measure was declared unconstitutional.

This exhausts the list of single tax experiments as applied to or attempted by municipalities in the United States. But there is not a city in America in which this proposal to relieve improvements by transferring all or a part of taxation to land values is not being strongly urged. No matter what our convictions may be as to the justice or expediency of this policy its growth is one of the most notable civic phenomena of our times, and cannot fail to have arrested the attention of every thoughtful student of one of the most complicated municipal problems.

JOSEPH DANA MILLER.[1]

THE TREATMENT OF LAND IN RATE CASES

OUT of all the obscure and conflicting decisions of courts and commissions, three lines of investigation are coming to be recognized as essential before reaching a decision upon the rate which a public utility, recognized as a natural monopoly, should be allowed to charge.

First, we must ascertain the probable cost of replacing the physical property on the basis of present prices of labor and material, and existing conditions of street congestion, etc.

Second, we must ascertain, so far as possible, what the physical property now in use has cost the company, which may be and often is very much less than what it would cost to duplicate the property to-day.

Third, we must examine as thoroughly as possible the financial history of the company with a view to determining what light, if any, it may throw upon the claims of going value, the sacrifice of the stock and bond holder, rates of return, etc.

Rate cases usually arise where a public utility in light, telephones, street railways, steam railroads, etc., is prosperous. The public are not so eager to demand reductions of rates where it is a matter of common knowledge that a utility, even though well managed, has averaged less than 6 per cent on the money actually put in by the stock and bond holders. Where a company is prosperous it usually seeks to impress a court or commission with the mistaken idea that the cost of reproduction new to-day of the physical property and of the business, is the only thing to be considered.

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[1] Editor, *Single Tax Review*

There lies before me at this moment the claim of the Bell telephone company of Pennsylvania in hearings before the state commission of that state, that although the cost of the property, as shown by the auditor's books has been only $51,798,938, the estimated replacement value as of August 31, 1912, was $73,257,108. Of this excess of over 40 per cent in the estimated replacement value over the cost reported on the books, $917,901 is the estimated increase in the value of the land above its cost to the company of $1,037,315.

Similar claims are made in nearly every municipal rate investigation. They will assume great importance when the Interstate commerce commission, in its valuation of all the railroads of the United States, enters upon the investigation of those railroads that have had large land grants or that have extensive terminals in our big cities. It is not proposed in this brief article to touch upon any of the claims above mentioned excepting with regard to the increase in land values.

It may be frankly conceded at the start that if the courts shall refuse to recognize any basis for fair value in a rate case, except the present estimated cost of replacement new less depreciation, all increase of land values must be conceded to our public utilities. Fortunately the courts have indicated a readiness to continue to follow the famous United States supreme court decision in *Smyth* vs. *Ames*, of 1898, to the effect that the cost of the property and its past history are to be considered as well as the estimated cost of reproduction to-day.

The original cost of land to a public utility has not yet, however, been given satisfactory consideration by the courts. The general tendency has been to value these lands at approximately the value of adjoining land at the time of the rate investigation, but without much, if any, allowance for so-called plottage value or for the peculiar value which the land in a given location might have for the special business of a power house or gas works.

The federal supreme court in the recent Minnesota rate case has gone further in rejecting the replacement theory, or the reproduction theory as it is usually called, than hitherto. In this famous case, decided June 9, 1913, two most important propositions were accepted, as shown in paragraphs 6 and 7 of the syllabus of the decision and as elaborated by Justice Hughes in the full text of the unanimous decision.

These propositions are in the first place that nothing should be added for compulsory purchase or for probable hold-ups by land owners, when a continuous right of way or a large tract was needed, or for the cost of removal from the land of buildings not needed for a public utility, and which would be located to-day on land that might be purchased for a public utility, but would probably not have been on the land at the time of the original purchase. All this is embodied in the following sentence of the syllabus:

> "6. Estimates of the value of the right of way, yards, and terminals of a railway company cannot properly be based, when testing the reasonableness of state regulation of its rates, upon the supposed value for railway purposes in excess of the fair market value of contiguous or similarly situated property."

The railroads had very truly contended that if land were to be acquired for a railroad to-day, the cost of removing improvements not needed for railroad purposes and the hold-up price that would be imposed by land owners because of the necessities of the utilizer, would be paid, under the names of a multiple, nuisance value, etc.

It is undeniable that if the reproductive or replacement theory were to be accepted as final, the courts would have to allow this multiple and the nuisance value of existing improvements. Yet the court, as has been seen, refused to allow it in the last rate case which it has decided.

In the second place, the court in this case refused to allow any so-called overhead charges or costs of acquisition and the cost of holding the land until the track, bridges, etc. were built and the property was ready for operation. This is brought out in the following sentence of the syllabus:

> "7. The fair present value of a railway company's right of way, yards, and terminals cannot be increased when testing the reasonableness of state regulation of its rates, by adding further sums calculated on that value for engineering, superintendence, legal expenses, contingencies, and interest during construction."

There is no doubt that over-head expenses must be incurred in the process of building a railroad. Engineering, legal and other expenses must be incurred in the selection and acquisition of the land, and the interest and taxes must be paid on the entire investment, while the track and other structures are being built.

Yet all these matters are brushed aside by the court and only the value of the adjoining land, without any of these over-head charges, is taken as the basis of a proper appraisal.

The court, then, while taking the value of adjoining land as the basis, has rejected the estimated cost of buying and holding land to-day needed for the site of a public utility.

The court gives no reasons for its rejection of both the original cost and the reproduction cost theories, but it seems to have had in mind that because the lands had cost much less in the past than they would cost to-day, it was at least fair to appraise the property at less than what it would cost to buy similar land at the time of a rate investigation.

Having taken a long step away from the replacement theory, it is entirely possible that the court in future decisions will approach still nearer to the original cost of the land, as the fair basis for an appraisal in a rate case.

If the courts come to recognize that our public utilities are granted *quasi*-governmental rights, such as that of condemnation, occupancy of streets, highways, etc., for a public purpose, and are in a way allowed to have these rights as a trustee for the public, then the increase in value of these lands can no more be retained by the trustee or agent than in the case of an ordinary trust. In the latter case, while entitled to a fair return on all his labor and ability, the trustee is not entitled to a rise in the value of the assets which he controls for another.

It might be unwise and unjust to apply the idea fully at the present time. The investing public has accommodated itself in large measure to the belief that the rise in the value of land would inure to the benefit of the utility owning the land, the same as in the case of enterprises not partaking of a *quasi*-public character, or as the courts have said, "affected with a public interest."

If, however, the matter come about gradually, so that the investing public can in a few years adjust itself to the transition, there is justice in a gradual restoration to the community of the unearned increase of land values which has come to all public utilities. Whatever be the merits of shifting local taxes gradually from improvements to land values, there are special reasons for refusing to allow unearned increments to a monopoly which has been granted public franchise in order to supply vital social needs. If the view commonly held be correct, that the land of a gas company should be treated like ordinary land, then such a company, other things remaining the same, has the right to raise the price every time an improvement near the gas works raises the value of land in the neighborhood. As soon as this is understood, there will be a general revolt against the present habit of most of the courts and commissions of giving full weight, in rate cases, to the enormous increase of land values since their acquisition. Fortunately the most august of all the world commissions, the Interstate commerce commission, and also the veteran commission of them all—and in many respects the best of our state regulating bodies—the Massachusetts gas and electric light commission, have refused to accept this claim of modern monopoly.

The Interstate commerce commission, in its epoch-making decision of February 22, 1911, relative to advances in freight rates, in Trans-Missouri and Illinois freight committee territories, held as follows,—through Mr. Lane, now secretary of the interior, who wrote the decision, and whose opinions, by the way, have been recently upheld in other important cases by the federal supreme court:

"The position, therefore, taken by the Burlington is that it has a right vested in it by law to add to its freight charges such amounts as will yield at the present time a fair rate of interest upon more than $270,000,000, which does not represent either the proceeds from the sale of a share of stock or a dollar of borrowed money, so long as the rate of the shipper is not unreasonable. . . .

"It remains for the supreme court yet to decide that a public agency, such as a railroad created by public authority, vested with governmental authority, may continuously increase its rates in proportion to the increase in its value, either (1) because of betterments which it has made out of income, or (2) because of the growth of the property in value due to the increase in value of the land which the company owns.

"If the position of the Burlington is sound and is a precise expression of what our courts will hold to be the law, then, as we are told, there is certainly the danger that we may never expect railroad rates to be lower than they are at present. On the contrary there is the unwelcome promise made in this case that they will continually advance. In the face of such an economic philosophy, if stable and equitable rates are to be maintained, the suggestion has been made that it would be wise for the Government to protect its people by taking to itself these properties at present value rather than await the day, perhaps 30 or 50 years hence, when they will have multiplied in value ten or twenty fold."

EDWARD W. BEMIS.[1]

Chicago.

STREET RAILWAY RE-SETTLEMENTS AND NEGOTIATIONS FOR MUNICIPAL OWNERSHIP

WITHIN the last two years the movement for municipal ownership of street railways has taken on new life in a number of American cities. San Francisco and Seattle have commenced the municipal operation of certain street railway lines. Detroit and Toledo have voted for municipal ownership and a bill for the purchase of the street railways in the city of Washington by the district government has been favorably reported by the district committee of the house. During this same period the purchase of the telephone and telegraph lines of the country by the federal government has been recommended by the postmaster-general and has received some support in congress. The construction of the big municipal electric lighting and power plant in Cleveland which is to sell current at three cents per kilowatt hour has been widely considered. This renaissance in the municipal ownership movement has called forth an extraordinary volume of anti-municipal-ownership literature from the public service corporations and their friends. The outbursts of wisdom on this subject have been almost as numerous and widespread as those which resulted from the municipal ownership campaign in Chicago under the Dunne régime just prior to the adoption of the settlement ordinances of 1907.

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[1] Dr. Bemis, author of *Municipal Monopolies*, has achieved a national reputation as a rate expert. His latest employment has been as the city representative on the board of supervising engineers of the Chicago street railway system.

A number of important cities are struggling with the problems of franchise renewal or of municipal purchase. Kansas City, Missouri, has just adopted a new re-settlement ordinance, while Des Moines is in the midst of negotiations, and Toledo, after prolonged but futile negotiations, has voted to go straight to municipal ownership. Detroit is working out the municipal ownership problem without any further discussion, in public at least, of a possible renewal of the franchise. San Francisco, where the Geary street municipal line was established as an opening wedge less than two years ago, is now considering the possibility of taking over the entire street railway system.

On July 7 last a substantial majority of the electors of Kansas City voted their approval of a re-settlement street railway ordinance which had been approved by the mayor on June 15, after the conclusion of negotiations extending over a period of two or three years. This settlement is significant in many ways. It follows the Chicago plan in that it fixes the recognized capital value of the existing property and provides for a minimum fixed return upon the investment and for an ultimate division of profits between the city and the company. The Kansas City franchise also retains the five-cent fare, and provides for a general system of free transfers; but children between the ages of 8 and 12 inclusive, will be carried on half fare tickets and chilren under 8 will ride free. This franchise goes beyond the Chicago ordinances in its provision for the amortization out of the surplus, prior to a division of profits, of the intangible element included in the initial capital value recognized by the ordinance, and also in its provisions for the safety of the investment. The investment not only will be strengthened by the use of the surplus to crowd out the "water" in the capitilization, but also will be secure at the expiration of the franchise, as the city will be required to take over the property, secure a purchaser for it or permit the company to continue to operate it. The basic return, which in the Chicago ordinances is five per cent, has been increased to six per cent in the Kansas City settlement, but no definite allowance is made in the latter for additional percentages representing contractor's profits and brokerage on new capital supplied by the company. The Kansas City agreement also provides a complex and somewhat curious system of dual control under which the city is to name indirectly the minority of the company's board of directors, and the financial and physical control of the company's operations is to be placed under dual supervision. The board of control, with one member representing the company and one the city, with an arbitrator called in from time to time to settle their differences, constitutes a new experiment in street railway management, being radically different from the Chicago plan, the Cleveland plan, and the New York plan.

This Kansas City franchise is claimed by its friends to contain all the progressive principles heretofore advocated by the franchise committee of the National Municipal League, but in spite of these claims, Mr. Peters, the writer, and both members of that committee, joined in a series of drastic criticisms of the franchise which were submitted to the Anti-Franchise Committee during the three weeks' campaign that preceded the election. This franchise requires the approval of the public service commission of Missouri before it goes into full effect. It covers a period of thirty years, but reserves the right to the city to take over the property before that time.

In Des Moines, after several years of litigation over the claim of the street railway company to a perpetual franchise, the supreme court of Iowa finally handed down a decision in March, 1913, substantially to the effect that the company had no franchise, its former franchise having expired in 1898. In view of the equities of the situation, however, the court allowed the company two years within which to secure a new franchise, dispose of its property or remove it from the streets. Subsequent to this decision, negotiations were conducted in regard to a new franchise drafted by Mayor James R. Hanna, which is described as having provided for "(1) first-class service, (2) under absolute city control, (3) at the actual cost of the service based on a reasonable capitalization with fares guaranteed sufficient to keep up interest and dividend charges, depreciation, cost of operation, etc., (4) right of purchase at a reasonable value, (5) complete arbitration provisions." As a basis for this franchise a capital value was established which cut out about $1,300,000 of the company's $5,300,000 nominal capitalization, but still covered several hundred thousand dollars more than the actual present value of the physical property. The capital value as fixed in the Hanna franchise was sufficient to take care of outstanding bonds and the company's floating debts, but not sufficient to take care of any of the stock, which is said to have been issued originally as a premium on bond sales or for promotion and kindred purposes.

This franchise was unacceptable to the company, and some time ago President Emil G. Schmidt submitted a new draft of franchise on behalf of the Des Moines City Railway Company. This draft recognized a capital value as follows: $2,754,000 representing the company's bonds now outstanding; $1,305,000 representing the par value of the company's stock; $1,356,000 representing floating debts, making a total of $5,415,000, to which should be added the par value of stocks or bonds issued by the company for acquiring $1,500,000 in cash to be used immediately for reconstruction, rehabilitation, new lines and extensions. Future expenditures on capital account would also be recognized. This capital value was refused by the city council (commission) and thereupon the company refused to negotiate further on this basis and began to suggest a franchise without any mention of capitalization, starting with a five-cent fare for two or three years and thereafter six tickets for a quarter and half fare for children, with provisions for the regulation of service but without any mention of purchase.

One of the most interesting provisions of the franchise draft recently submitted by the company was its adaptation of the "Boston sliding scale" to a street railway problem. It was suggested that the capital stock of the company should never be less than 25 per cent nor more than 50 per cent of the aggregate amount of securities issued by the company and that the company should be allowed to pay dividends at the rate of six per cent per annum, and higher dividends under the following conditions: seven per cent during any year in which the company sold six tickets for twenty-five cents; eight per cent when the company sold five tickets for twenty cents; nine per cent when the company sold four tickets for fifteen cents; and ten per cent when the company sold ten tickets for thirty-five cents; with a provision that the company should not be required to sell tickets for less than the maximum fare unless the dividends paid by the company subsequent to the granting of this franchise should be equal to an average of not less than six per cent per annum.

It is too early to foretell the outcome of the Des Moines negotiations.

The street railway situation in Detroit has been acute for twenty years. Hazen S. Pingree, after graduating from the mayoralty into the governorship, secured legislation authorizing the purchase of the street railway system by the city and negotiated with the company up to the point of agreeing upon a price. Litigation was started, however, which resulted in the overthrow of the enabling legislation and the declaration by the supreme court of Michigan that municipal ownership of street railways would be in conflict with the section of the state constitution forbidding the state to engage in any work of internal improvement. After this decision, agitation for a home rule amendment giving to Detroit the right to undertake municipal ownership was carried on without success for many years. The state legislature refused to submit the desired amendment to popular vote. Finally, however, a convention was called in 1907 for the general revision of the state constitution. Prof. John A. Fairlie, then of the University of Michigan, and Frederick F. Ingram[1], of Detroit, were largely responsible for the incorporation of the doctrine of home rule into the new constitution, which was ratified by the people and went into effect January 1, 1909. Under this constitution the right of a city to own and operate public utilities, including street railways, was affirmatively established.

Detroit went blundering on, however, for several years in the effort to get the practical machinery for the acquisition of the street railways embodied in the city charter. The desired charter amendment finally got past the hurdle of technical difficulties and was submitted to popular vote in April, 1913, when it was ratified by the astonishing affirmative vote of 81 per cent of the electors who went to the polls. This charter amendment provided for the appointment of a street railway commission to acquire or construct a street railway system for the city, to be made exclusive as soon as possible.

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[1] Now Democratic candidate for mayor on a municipal ownership platform.—EDITOR.

It should be stated that many of the most important franchises of the Detroit United Railway expired several years ago and the company has been unable to secure a renewal of them. Detroit has been growing so rapidly that the increase in traffic has been phenomenal. During the past fifteen years, however, the perennial struggle between the city and the company, with franchises expiring, has prevented the construction of any substantial mileage of extensions. This extraordinary combination of circumstances has resulted in large earnings and the strengthening of the company's financial position.

The city is badly in need of extensions and of relief in the down-town district by re-routing or otherwise. William Barclay Parsons, the engineer who constructed the first New York subway, has recently been employed to make a complete investigation and report upon the means for the relief of street railway traffic conditions in Detroit. He is to include in his report a discussion of the feasibility of a subway or of elevated lines, as well as the possibilities of rerouting.

The street railway commission has also employed Prof. Edward W. Bemis to value the properties of the Detroit United Railway preliminary to their purchase or condemnation by the city under the municipal ownership amendment. It is said that the Michigan railroad commission will also order an appraisal of the property by an engineer of its own selection in a case now pending on the company's application for permission to issue additional securities.

The present mayor, who was elected on a strong municipal ownership program, is now being attacked by the "original" municipal ownership men as a traitor to the cause. This issue has already blighted more than one political career in Detroit and unless the present commission succeeds in bringing about the speedy acquisition of the properties, it is likely that the end of popular upheavals on the municipal ownership issue is not yet in sight.

In certain respects the Detroit municipal ownership charter amendment represents a distinct advance in street railway policy. Any contract for the purchase of existing railways, or for their condemnation, will require the approval of the people by a three-fifths vote at a general or special election. The common council is authorized to issue bonds for street railway purposes up to two per cent of the assessed valuation of real and personal property against the general credit of the city. All additional bonds required for the purchase or construction of the street railways must be issued on the security of the street railway property alone, including a franchise to operate the street railways in case of foreclosure, but such franchise may not run for a longer period than twenty years. The form of this franchise will have to be approved by three-fifths of the electors voting on the question at a general or special election. Although Detroit has long been a low-fare city and although the people are thoroughly imbued with the importance of low fares, still the municipal ownership amendment, ratified by the overwhelming vote above mentioned, was not drafted in such a way as to promise three-cent fares or any other specific rate of fare. On the contrary, the amendment provides that the rate of fare shall be sufficient to pay: (a) operating and maintenance expenses, including paving and sprinkling between the tracks; (b) taxes on the physical property, the same as though privately owned; (c) fixed charges; and (d) a sufficient annual percentage to provide a sinking fund to pay off mortgage bonds at their maturity and an additional percentage to provide "in the sound discretion" of the street railway commission a sufficient sum to pay, as soon as practicable, the bonds issued for street railway purposes against the general credit of the city, "to the end that the entire cost of said street railway system shall be paid eventually out of the earnings thereof."

From the standpoint of those who desire to see municipal ownership successful, it is probably a fortunate thing that the Detroit experiment has been undertaken on this conservative financial basis. Still, an increase of fares under municipal ownership, even though necessary as a means of making the street railway system pay for itself, may prove to be more or less unpopular if actually put into effect.

The Toledo traction situation is also a snarl of long standing. The people there have been thoroughly educated to demand three-cent fares and have thus far successfully resisted the renewal of the expired franchises upon any other basis. Just before the close of Mayor Whitlock's term of office, a three-cent fare ordinance was passed, to go into effect on March 27, 1914, when the company's principal franchises expired.

Two or three years ago Mayor Whitlock secured a temporary concession, in accordance with which the company has been selling six tickets for a quarter, good at any time, and eight tickets for a quarter, good during two of the morning and two of the evening rush hours. When the time came for the three-cent measure to go into effect, the company announced its intention not to comply with the ordinance. Out of this situation developed a curious result. The company's conductors demanded the former rate of fare. Any citizen who refused to pay it was carried for nothing. In fact, this condition has continued to prevail throughout a period of many months. It is said that most of the people pay the fare asked by the company. During this period of uncertainty, negotiations between the city and Henry L. Doherty, who controls the company, have been active and almost continuous, but the city administration has refused to accept any franchise proposition except on the basis of a permanent three-cent fare, while the company has offered to make a year's test of the three-cent fare under certain conditions and leave the subsequent rate of fare to be determined upon the basis of the results achieved during the experimental period. There seems to be a great confusion of issues and conflict of interests in Toledo at the present time.

On August 4, a municipal ownership ordinance drafted by the city solicitor was submitted to the people at a special election, and was ratified by a rather slender majority of the electors who took the trouble to go to the polls. This ordinance looks to the acquisition by the city, not only of the street railways but also of the lighting and heating business controlled by the street railway company. The actual acquisition of this property cannot be consummated unless the necessary bond issues are later approved by a two-thirds vote of the people. In the meantime, the company has brought an action in the United States District Court to enjoin the city from further enforcement of the three-cent fare ordinance.

The situation is so confused as to make the outcome of the street railway agitation in Toledo extremely uncertain, so far as the near future is concerned.

Delos F. Wilcox.

THE UTILITIES BUREAU[1]

THE mayors of a number of American cities, prominent among whom are Rudolph Blankenburg of Philadelphia, John Purroy Mitchel of New York, Carter H. Harrison of Chicago, George W. Shroyer of Dayton, and Newton D. Baker of Cleveland, have jointly organized a bureau to be known as the "Utilities Bureau," through which

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[1] The Need for a Public Utilities Bill in Pennsylvania, Hon. John K. Tener, vol. i, p. 401.

The Chicago and Cleveland Street Railway Settlements, Delos F. Wilcox, vol. 1, p. 630.

Boston's Street Railways, A. E. Pinanski, vol. 1, p. 212.

State vs. Municipal Regulation of Public Utilities, John M. Eshleman, vol. ii, p. 11.

State vs. Municipal Regulation of Public Utilities, Lewis R. Works, vol. ii, p. 24.

A suggested Sliding Scale of Dividends for Street Railways, Determined by Quality of Service, James W. S. Peters, vol. ii, p. 31.

The New York Subway Contracts, Delos F. Wilcox, vol. ii, p. 375.

Cincinnati's Traction Problems, Elliott Hunt Pendleton, vol. ii, p. 617.

Municipal Home Rule and Public Utility Franchises, Delos F. Wilcox, vol. iii, p. 13.

Public Utility Legislation in Illinois, John A. Fairlie, vol. iii, p. 28.

Municipal vs. State Control of Public Utilities, J. Allen Smith, vol. iii, p. 34.

Minnesota Home Rule and Wisconsin Regulation, Clyde Lyndon King, vol. iii, p. 564.

American cities may co-operate in exchanging data as to cost factors and service standards in municipal utilities. The demand for this bureau grew out of the numerous and complicated difficulties in the way of securing what seemed to be fair rates and adequate service standards in many of the cities.

On June 27, 1914, Mayor Blankenburg sent a letter to the mayors of the larger of the American cities, stating the situation and inquiring as to the interest of these mayors, both in a nation-wide conference to be held in Philadelphia in the autumn to discuss various phases of public utilities, and also as to the need for a utilities bureau. In this letter, Mayor Blankenburg said in part:

> The side of the people has seldom if ever been adequately presented before public service commissions, while the interests of the public utility companies are presented and argued by the best informed and most able men in the country. If the cities do not join together for the presentation of their cases as the public utility companies have, the laws and precedents established by the commissions stand in danger of being biased by the able arguments of the representatives of these corporations.
>
> The equipment required for an adequate presentation of the rights and interests of the people involves a degree and extent of technical knowledge and information which it is not practicable for any one city to obtain. This knowledge and information is much the same for each city, and its cumulative use would greatly add to its value. It must be borne in mind that the utility companies constitute themselves an offensive and defensive alliance, probably stronger than any other interest in this country. Its weakest member is never without information and assistance of every kind.
>
> To meet this situation, it has been suggested that there should be formed a bureau of public utilities research which shall equip itself to give to the cities the same able assistance which the public utility companies' associations give to the public utility companies, thus in effect constituting an offensive and defensive alliance among the cities similar to that existing among public utility corporations.
>
> To this end, we are preparing to form a permanent organization of this character. I am writing to you to ascertain your interest in this matter and to ask whether you would be represented at a nation-wide conference of city officials to be held in this city in the autumn to discuss the various phases of public utility problems as affecting the people, and how they may best be dealt with.
>
> Mayor Mitchel of New York, Mayor Harrison of Chicago, Mayor Baker of Cleveland, and Mayor Shroyer of Dayton, join me in making this inquiry. Mayor Mitchel and Mayor Harrison will personally represent New York and Chicago at this conference. We are confident that the result will be a great step forward in the matter of securing a proper presentation of the people's side in utility cases.

In an interview given out on Monday, June 29, Mayor Blankenburg said as to the purpose of this bureau:

> The idea was directly suggested by the very efficient associations for the exchange of experience, information and resources to which the pub-

lic utilities companies belong. We want to provide an organization for our cities that will do for the people all over the United States what those associations are doing for the public utility corporations.

We believe most heartily in the principle of regulation through public service commissions, and we want to co-operate with the commissions by presenting the citizen's side at their hearings as effectively as the corporation side has been presented in the past, so that these commissions will not be placed in the rather unfair position of having to judge a situation where only one side is adequately presented.

We hope and expect that through public service commissions the problems now rising in regard to public utilities are going to be adjusted to the satisfaction of all concerned. The sooner the people's side of the question is adequately and fairly represented before these commissions, the sooner they will come to some final and permanent standard of decisions.

It is only since the establishment of regulative commissions that this duty has devolved upon the public officials, and I feel that we have been slow in recognizing this responsibility and responding to it. But now, I feel all the more that not a moment should be lost in taking action, because most of the public service commissions are yet new, in some states they do not yet exist. Those established have shown the greatest consideration of both sides. They have been very conservative in their decisions, and as a rule have not committed themselves unequivocably to any definite policies. This shows that they realize the difficulty of the problem before them, and that, before establishing precedents and customs, they are holding themselves open for every possible avenue of information which might justly influence their decisions.

Since this letter was sent out, a board of trustees of leading citizens, known for their civic virility, and for their nation-wide interest in public matters, has been chosen for the Utilities bureau. This board includes the following:

Louis D. Brandeis, Boston, lawyer. Counsel for Interstate commerce commission on application of Eastern railroads for 5 per cent increase.

Charles R. Van Hise, Madison, president, University of Wisconsin.

Frederick A. Cleveland, New York, director of the New York bureau of municipal research; formerly chairman of the president's commission on economy and efficiency.

Leo S. Rowe, Philadelphia, professor of political science, University of Pennsylvania. President of the American academy of political and social science.

Charles F. Jenkins, Philadelphia, publisher. Proprietor, *Farm Journal.*

Samuel S. Fels, Philadelphia, manufacturer.

Felix Frankfurter, Cambridge, Mass., administrator and lawyer; professor of law, Harvard University; chief legal adviser of the colonial administration of the United States under Presidents Roosevelt, Taft and Wilson.

The bureau is now organized and ready for work. Its temporary address is 216 City Hall, Philadelphia.

Mayor Blankenburg has sent letters to several hundred mayors asking them to join in the conference definitely set for November 12–14 in Philadelphia, and asking them to send in any material they may have as to their own municipal utilities, and stating that the bureau was ready for work.

When it is remembered that the total capital in electric light and street railway companies in this country to-day is estimated to exceed eight billion dollars, and of this eight billion, nearly five and one half billions are controlled by holding companies, it will be more fully realized what a titanic problem a city has to cope with, when, single-handed, it asks for adequate rates and proper service from its public utilities. Through this new bureau, data can be exchanged among all the various cities as to their rates, cost factors and service standards. The average public official now, when the question is raised as to the reasonableness of rates and service standards of the utilities within his city, at once sends out a volley of letters to public officials elsewhere. The result is information inadequately supplied and a constant harassing of public officials for information of a detailed character which it is usually impossible for the official to provide. The bureau will collect these facts from authoritative sources and thus be in a position to give to any city official facts that could not possibly be secured without very heavy expense in any other way.

The bureau has received commendation from experts, business men, editors, mayors, and last, but not least, from many of the leading public service commissioners themselves. A number of the commissions have, as a body, endorsed the idea while individual commissioners have written in saying that such a bureau, properly manned and adequately supported, would be of inestimable value, not only to public officials and citizens, but to the utility commissions themselves. These commissions and commissioners have pointed out that, as a usual thing, the public side of the question has been inadequately presented and poorly supported, whereas the corporation point of view has been presented by the best of experts and lawyers; and that, moreover, the public point of view has been hampered for want of funds while the corporate point of view has been financed to as full an extent as could possibly be advantageous.

The mayors of all cities have been cordially invited to send delegations from their cities to the Philadelphia conference on November 12–14. If any have been inadvertently omitted from the personal call, it is only because of the practical impossibility of getting adequate mailing lists for such purposes. All mayors not receiving letters and printed matter either as to the program or conference are cordially solicited to send delegations and representatives. Morris Llewellyn Cooke, the director of Philadelphia's Department of public works, has been asked by the mayors to prepare the program for the conference and to organize the bureau. Suggestions as to either are solicited by him.

Perchance the best evidence of the public interest in the bureau can be shown by a few excerpts from the many editorials endorsing the movement.

The editor of *The Times* of Oswego, N. Y., said: "If nothing more is done by the organization than to arm the community with a complete knowledge of its own case, the alliance will be worth while." In *The News*, of Birmingham, Alabama, appeared the following: "One of the important functions of the organization would be to compile data relative to the operation of public service corporations, these data to be at the disposal of the municipalities embraced in the organizations. That this would be a helpful function is apparent. As matters stand now, the city that is fighting against unjust rates is severely handicapped by lack of information upon which to predicate its contest. It has no source of direct and positive information, but must depend upon such facts as can be picked up here and there by correspondence with officials in other cities. Contrast this with the resources of the public service corporation, with its many channels of information and its corps of experts, and it can be seen at once that the municipality is placed at a great disadvantage." The following editorial appeared in *The News* of Montreal: "No city can acquire for itself the technical information required for an adequate representation of the rights of the people, and the utility corporations have already constituted themselves a close co-operative alliance, powerful and alert, and at the service of every member. It is obvious that under existing conditions, the large cities of both Canada and the United States are at a disadvantage, being pitted against the best experts and the most able legal minds in the country, backed by full information and unlimited means. It is to remove this handicap and put the people on a basis of equality with the utility companies that the bureau of public utility research is projected.". *The Knickerbocker Press* of Albany, N. Y. said: "Such a bureau will be a better guarantee of a fair deal all around—on the part of the corporations themselves, on the part of the state public service boards which too often discriminate against municipalities, and on the part of the municipalities and the public. With this bureau in operation cities will be armed intelligently to meet the well prepared corporation arguments against lower rates and better service. An editorial in *The Times*, Washington, reads as follows: "The mayors of experience have long since discovered that the franchise holding concerns invariably make common cause to get as much as they can and to hold all they get. There are national organizations of street railway and gas and electric and heaven knows how many other special interests, which hold their conventions and plan to support one another in all their onslaughts on communities from which they want privileges."

Clyde Lyndon King, Ph.D.

Wharton School, University of Pennsylvania.

CIVIC SECRETARYSHIP AS PUBLIC SERVICE

A PRELIMINARY conference on "Civic secretaryship as public service—the essential question in social center administration"—was held in Madison, Wis., on June 19 and 20. A larger meeting was held at the same place and devoted to the same theme on July 2 and 3.

In his call for the conference the state superintendent of the department of public education, C. P. Cary, said:

> The movement for developing the civic, social, and recreational, that is, the larger educational resources of each community through the use of the school-house by adults for civic expression, by older youth for training in self-government and by the whole community for wholesome recreation, has grown in the past few years out of the tentative and experimental stage. We know from the results of experience in many places in Wisconsin and elsewhere that systematic and continuous social center development is possible only where there is the definite placing of responsibility for secretarial service and leadership in each community. This brings at once the question as to the proper remuneration of the person responsible for this work and the question as to the proper method of its administration.

The conference was the outgrowth of the work of Edward J. Ward as civic adviser to the bureau of civic and social center development of the university extension department of the University of Wisconsin. In 1911 the Wisconsin legislature passed a law [1] section 2 of which provided:

> Where the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the presentation and discussion of public questions, the school board or other body having charge of the school-houses or other public properties which are capable of being used as meeting places for such organization, when not being used for their prime purpose, shall provide, free of charge, light, heat, and janitor service, where necessary, and shall make such other provisions as may be necessary for the free and convenient use of such building or grounds, by such organization for weekly, bi-weekly, or monthly gatherings at such times as the citizens' organization shall request or designate.

This mandatory section of the law is followed by a permissive section in which school boards are authorized to make provision without charge for other community uses of public school buildings and grounds, section 3 reading:

> The school board or other board having charge of the school-houses or other public properties, may provide for the free and gratuitous use of the school-houses or other public properties under their charge for such other civic, social, and recreational activities, as in their opinion do not interfere with the prime use of the buildings or properties.

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[1] Chapter 514, Laws of 1911.

In the opinion of Mr. Ward, the reason school boards have not taken advantage of this law permitting them to make provision for other uses of the school plants than those of citizenship deliberation "is the same reason that explains why the use of this public property for organized presentation and discussion of public questions has been sporadic. This law makes no provision for the appointment and remuneration of a person in each district who shall be responsible for the work of organizing and directing the community uses of the public school plant; and school boards are properly hesitant about having the public property under their charge opened for use without responsible direction."

Because of this cautious attitude on the part of one Wisconsin school board which refused to provide for the public use of a school gymnasium upon the request of citizens who desired this provision, the legislature at the session of 1912–13 amended the law, section 2 of chapter 514 of the laws of 1911, to read:

> Where the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the presentation and discussion of public questions or for the promotion of public health by giving instruction in any topic relating thereto or in physical culture and hygiene or by the practicing of physical exercises and the presentation and discussion of topics relating thereto, the school board or other body having charge of the school-houses or other public properties which are capable of being used as meeting places for such organization, when not being used for their prime purpose, shall provide, free of charge, light, heat, and janitor service, where necessary, and shall make such other provisions as may be necessary for the free and convenient use of such building or grounds, by such organization for weekly, bi-weekly, or monthly gatherings at such times as the citizens' organization shall request or designate. All such gatherings shall be free to the public.

In the three years that this law has been in operation in Wisconsin Mr. Ward states that "there has not been a single case of disorder or injury to property in the use of the public school-houses as headquarters of civic deliberation where the body using the building has been a genuine community organization such as this law contemplates. But, notwithstanding the general endorsement of the movement for citizenship organization for deliberation, by national and state leaders and organizations of various sorts, but, to quote the statement of Mr. Ward's bureau, the development has "not only not gone on to include the organization of the young people for training in self-government and the provision of wholesome recreational opportunities, but the community assembling of adult citizens for deliberation upon public questions has *generally* begun to languish after a time and, in many cases, when the limit of volunteer willingness (usually of the school principal) to perform public service for nothing has been reached, the community civic assembling has been abandoned." A very different record is shown, according to the same authority, in those communities where civic secretarial service is made responsible by being definitely remunerated.

The adviser sent out, at the suggestion of the superintendent of education to some 800 in all a call for volunteer workers. Two hundred responded and agreed to undertake, without remuneration for it, important but difficult public service. And, considering the fact that these were mostly from men and women at the head of the public schools, who in Wisconsin are usually burdened to the limit of their strength by work that should be done by subordinates, and considering the fact that they are, as a rule, underpaid, this was regarded as a high percentage. The bureau reported that "so long as this work is unremunerated, not more than one-fourth (and probably the number would be less after the first year) are likely to undertake it. Two hundred said they would undertake the work. They meant to do what they promised; and they tried to do it. But only *about fifty*, one-fourth of those who said they would try, achieved any real success. That is to say, about one-sixteenth of the whole number to whom the opportunity to perform public service without remuneration was presented, actually rendered the service."

Why? Mr. Ward asked and then replied: "The head of the bureau of social center development not only asked that question by letter, but in visits to more than thirty towns sought the answer. While there were other minor explanations, the answer appeared to be largely, if not entirely, that the secretarial service of the school principal was not regarded as actually and officially belonging to his function as a public servant. For the sake, not only of the money, but primarily for the support of the school principal in efficiently rendering this service upon which effective community organization depends, it is *necessary* that this work of civic secretaryship be definitely recognized as public service and remunerated as such," and so the two conferences were called.

The central thought of the first of the two conferences was summed up by Miss Margaret Woodrow Wilson in her statement that "not only should the school-houses be provided without charge as headquarters of citizenship organization, but the paid service of a clerk or secretary should also be furnished—just as this service is furnished for the meetings of aldermen, legislators and other subcommittees of the citizens."

The conclusion of the first conference was the drafting of a bill embodying the idea that the school principal should be paid for service as community clerk or secretary, and recommending that this first draft be further considered by the conference which was to meet on July 2 and 3.

The second conference opened in the assembly chamber of the state capitol on July 2. At this session was read a message from President Wilson in which he expressed his "sincere and growing interest in the program and method" of social center development. The main address at this opening session was given by United States Commissioner of

Education Claxton who strongly endorsed the proposal of the conference that the work of community organization should be officially recognized as public service. Commissioner Claxton also endorsed the proposition that when the school-house is used as a polling center the school principal, or some other responsible appointee of the school board, should be made the supervisor or chief clerk of elections.

At the evening session, on July 2, the chief paper was that of Frank P. Walsh, Chairman of the United States commission on industrial relations. At this meeting, C. C. Kelso, of Los Angeles, secretary of the Los Angeles civic league, presented an excellent statement of the experiences in Los Angeles and throughout California, which has led the people there to the recognition of doing what this conference proposed.

President C. E. Patzer, of the Wisconsin state teachers' association, gave an excellent presentation of the importance of definite arrangement for social center development from the point of view of school men and women. Mrs. M. L. Purvin, chairman of the civic committee of the Illinois federation of women's clubs, gave an account of social center development in Chicago and throughout Illinois; and Hosea E. Rood, patriotic instructor of the Grand army of the republic, made a plea for the definite placing of responsibility for community organization for patriotic celebrations in the hands of the school principal as a part of their civic secretarial function.

At this meeting there was a thorough consideration of the bill which, as a result of the work of Superintendent Mary Bradford, of Kenosha, and a diligent committee co-operating, had finally been drawn. This bill was recommended for consideration by the next Wisconsin legislature and the legislatures of the other states in which provision has already been made for the use of school buildings, but in which no provision is made for the remuneration of the civic secretary.

The bill as finally agreed upon reads as follows:

> SECTION 1. It shall be the further duty of the school board of any school district, wherein the citizens are organized as and for the purposes described in this section, to furnish for all meetings of such organization secretarial service by a person to be known as civic secretary of the district. The school principal or other suitable person shall be employed by the school board for such purposes.
>
> The person employed by the board as civic secretary, in addition to acting as secretary at all meetings of the citizens' organization, shall organize, publish and announce such program for each meeting of the citizens' organization, as the organization may direct, shall communicate with and invite or notify such speakers as the citizens' organization may wish to hear, and shall carry on such correspondence as may be necessary to secure from the university extension division or other source of information, suggestive material upon such public questions, as the citizens' organization may desire to consider.
>
> The civic secretary of each district shall be compensated for his serv-

ices as such secretary at the rate of not less than two dollars for each meeting of the citizens' organization, such compensation to be in full for services at and incidental to each such meeting. One-half of such compensation shall be paid by the school board in the same manner and at the same time as the teachers' salaries within the particular district are paid. The remaining one-half of such compensation shall be paid by the state. Application therefor shall be made by the board of education to the state superintendent and shall set forth in detail the number and dates of meetings served by the civic secretary and the number in attendance, the names of the principal speakers and the topic at each meeting. Such application shall be accompanied by a sworn statement by the civic secretary setting forth the number and character of meetings served by him and for which he claims compensation under this section. Upon receipt of such application the state superintendent, unless he shall disapprove the application, shall certify to the secretary of state the amount due to such civic secretary, whereupon the secretary of state shall draw his warrant upon the state treasurer in favor of such secretary for the amount so certified.

The conference closed with a morning round table session at which the chief speaker was Superintendent J. H. Mills, of Ogden, Utah. He gave an account of the situation which had led up to the survey and made the statement that the Ogden plan of unifying the school and municipal administration is likely to be carried out in that city.

Edward J. Ward was the secretary and animating spirit of the conference.

This official conference on civic secretaryship was the occasion for an unofficial editorial conference on the *Social Center Magazine* at which nearly all of the editorial staff were present.

CITIZEN CO-OPERATION IN THE ADMINISTRATION OF HEALTH AND CHARITIES

TO SERVE a public eager to help them succeed has been the good fortune of few public officials in Philadelphia. Here, as elsewhere, men inaugurated into office with apparent good will on every side, have found, as time passed, that permanent public interest in their administration confined itself to purely partisan criticism. Discriminating judgment on the part of citizens and non-partisan help and co-operation, before 1908, were all but unknown. At that time, a group of public-spirited men organized the Philadelphia bureau of municipal research. This new agency was to attack problems of the municipality from the point of view of an alert citizen, desirous of efficient government and willing to do his share of the thinking and working necessary to bring it about.

On a guaranteed budget of $30,000 per year and with a group of trained investigators and accountants it set to work. What such co-operation has meant in one field of municipal endeavor can best be judged by the following extract from a letter from Dr. Joseph S. Neff. Upon his retirement in May, 1914, after a tenure of seven years in the office of director of public health and charities, Dr. Neff writes: "I desire . . . to express my personal appreciation to your bureau for the very valuable services which you have rendered in increasing the efficiency of the department. Since the organization of your bureau, I believe our efficiency has been increased many times, much of which was due to your work; and, therefore, one of my last official acts is to acknowledge service rendered."

Important as are the results here attributed to this new type of co-operation, Dr. Neff's letter is equally significant for the light it throws on the changed attitude of the public official. Hitherto, distrustful of political enemies, and possibly conscious of administrative shortcomings which he was powerless to correct, the office-holder resented and, so far as he was able, thwarted any attempt on the part of the citizenship to find out what was going on "inside." Even yet, employees who have been long in the service instinctively suppress the most innocuous information and conscientiously believe it to be a duty to enhance the mysterious atmosphere supposed to be necessary in the operation of a public office. That active outside co-operation of a type which presupposes searching investigation should be invited and appreciated is quite as indicative of a new order as that it should be available. It is not a matter of accident, however, that at last the public and the official have "gotten together." The rapid evolution of the idea of government as an agency for actively and positively promoting public welfare has fairly forced this situation upon public and official alike. It is eminently to Dr. Neff's credit to have been the first official in Philadelphia to see the logic of events and to act accordingly.

That it was the new demands upon government and in this particular case the public health branch of the service that created this new relationship, finds proof in a recital of the ways in which this co-operation has been effective.

When Dr. Neff came into office, the methods employed in the medical inspection of school children made it practically impossible for him or for the public to know what results were being accomplished by this new undertaking. Physical defects found were reported and registered; but physical defects corrected were not matters of current record and report. At an expenditure of about $2,000 the bureau of municipal research formulated a report on the subject which put at Dr. Neff's disposal the results of several months of study of the problems involved. The standardization of methods which has followed this stimulus has brought most gratifying results. Philadelphia now knows that 45 per cent of the reported defects are corrected within the school year. Striving for the ultimate goal of 100 per cent correction of remedial defects, she is now able to measure her advance year by year.

To bring before the general public the significance of milk as a factor in public health, the bureau of health, in 1910 and 1911 carried on a vigorous publicity campaign. Following a suggestion made in a bureau of municipal research survey of the division of milk inspection, the then mayor, John E. Reyburn, in October, 1910, created a milk commission. He chose a group of experts financially disinterested in the milk trade and capable of making a scientific study of the whole question. By the following Feburary, the milk commission had finished its report. The findings set forth therein still stand as an authoritative statement of the whole problem in its local aspects and the constructive suggestions advanced still form the most complete program that has been attempted for Philadelphia.

The milk show in May, 1911, was the means adopted to popularize the findings of the milk commission. Held in a large room on downtown Chestnut street and equipped with exhibits which would require a volume to describe, the show told its story during the eight days it was open to over a hundred thousand Philadelphians. Taking advantage of the national meetings of the American association of medical milk commissions and the Certified milk producers association sitting in Philadelphia at that time, the promoters of the show were able to secure many of the delegates as lecturers on the daily programs. Besides the bureau of municipal research and the veterinary department of the University of Pennsylvania, dozens of other civic and philanthropic agencies lent their aid. Stimulated by this activity the newspapers devoted first page columns to descriptions of the show and discussions of the new ideas it brought forward. In every way the undertaking set a new standard for ventures of its kind in Philadelphia.

The ultimate success of this publicity campaign will, of course, be measured by the improvement of the milk supply of the city. In so far as governmental supervision is necessary to secure this improved product, but a half measure of success has been attained. Empowered by an act of assembly of 1909 the board of health has promulgated a code of rules designed to prevent the sale of adulterated, dirty, or contaminated milk; but the division of milk inspection, hampered by an inadequate budget, can, at the utmost enforce the law only within the city. It is impossible now to inspect systematically the outside farms and dairies from which a large part of the city's supply is derived. When, however, public opinion, steadily growing more insistent, forces an appropriation for this purpose, the health administrators will find an unusually well developed program awaiting them. And for this preparedness they may thank Dr. Neff's ability to enlist and use citizen co-operation.

One of the greatest advances in efficient management made during

Dr. Neff's administration has resulted from the standardization of specifications for the purchase of food supplies for the bureau of charities. For years the food conditions had been almost intolerable at Blockley, the popular name for Philadelphia's unique institution, where within a walled area of a few acres are housed 5,000 sick, paupers and insane. Supplies had been bought under specifications so loose that responsible firms had long since ceased to compete. Unscrupulous tradesmen, putting in relatively low bids had secured contracts and delivered the poorest grade of goods. Rejections were difficult, if not impossible. As a result, inferior meats, storage eggs unfit for use, rancid butter, low grade milk and adulterated products of all kinds were unloaded upon the city. Working with the department of supplies and the bureau of charities, the bureau of municipal research drew up a schedule of standard specifications for most of the food supplies purchased. The results following the installation of this schedule have more than realized expectations. Under an aggressive administration of the department of supplies and the bureau of charities a better class of bidders have been attracted and much better goods are now purchased at a very slight increase in price. Rejections are so easy and so sure that attempts to evade specifications have almost been abandoned. Who can estimate the value of proper nourishment as a part of the treatment of a group of people whose incapacity is so often the result of poor nutrition?

In common with the rest of the municipal and county departments, public health and charities were suffering from the lack of a modern accounting system when Dr. Neff assumed the duties of office. Beginning with a haphazard budget that made no distinction even between current expenses and capital outlay, and employing antiquated methods throughout, the whole system failed completely as a means either for ascertaining unit costs or for controlling the finances of the department. In the general re-organization of the municipal accounting system which has been going on for the last three years, no bureau has accomplished more than charities. Through the combined efforts of the accountants in the department and those of the bureau of municipal research the financial records are now kept in such a way as to bring currently to the attention of the administrators the facts necessary for intelligent understanding of the situation. To-day it is possible to make valid comparisons between per capita costs in the Philadelphia institutions with those of similar institutions elsewhere. Dr. Neff could have left no more useful tool in the hands of his successor than such an accounting system.

In a rapidly expanding department, there is always a tendency to add a new division for each added function regardless of its relation to functions already being performed. This growth often results in a straggling ununified organization. This has been very well illustrated in the Philadelphia bureau of health. Execution of the housing laws, for example, was vested in three divisions—tenement house inspection, house drainage inspection and nuisance inspection. Laws on the inspection of meat and cattle were enforced by one division, those on milk by another. The disadvantages of such a form of organization are at once apparent. Responsibility is divided, efforts are duplicated, inefficiency results. In order to bring unity and centralization, the departmental organization was studied by the bureau of municipal research. It demonstrated, by means of graphic charts, the illogical sub-division, then existing, and the consolidation necessary for building up a more compact and effective organization. All the changes made by Dr. Neff within the last two years have been in harmony with these suggestions.

Although the above sketch by no means exhausts the list of studies made by the new citizen agency for Dr. Neff's department, it serves to show the range of activities and the nature of this new co-operation of official and citizen. For those of us who believe in the efficiency movement in government Dr. Neff's administration is a most encouraging sign of the ushering in of the new regime. When public officials welcome aid and suggestions and citizens respond to a call so unemotional and disinterested, a real and effective democracy no longer seems a dream.

NEVA R. DEARDORFF, PH.D[1].

CO-OPERATION BETWEEN CITY GOVERNMENTS AND UNIVERSITIES[2]

IF THERE is to be proper co-operation between universities and city governments it must be assumed that there is good will on both sides and that the city government wishes to have university co-operation.

Already there has been much done by many universities the country over through scientific investigation of various types made by professors directly for the city government. Civil engineers, architects, bacteriologists, statisticians and others have often worked for city governments to the decided advantage of the city. It is desirable, however, that this co-operation be extended much further.

At the suggestion of the mayor and of the city chamberlain of New York, New York University is now making an inventory of the scientific equipment, both physical and personal, of the city. The purpose is to see whether there may not be worked out some better scientific organization of the city's forces so as to secure some improvement in the service with a reduction of cost. It is hoped that a report will be made in time to be of service to the budget committee.

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[1] Chief of division of vital statistics, Bureau of Health, Philadelphia.

[2] The substance of Prof. Jenks' remarks at the recent conference in New York on the universities and training for public service.—EDITOR.

Beyond, however, the work that may be done by professors and experts, it has been suggested that there may also be helpful co-operation on the part of advanced students. Beyond any question graduate students who are fitting themselves for positions in public administrative work would be greatly benefited if, in addition to their lectures and reading, they could have some actual practice in administration. They would often be glad to secure this practice, either at no expense to the city, or for the payment of merely a minimum living salary while they are getting their training. If two students were to work together in this way, dividing the time between them, they could arrange to take the work of one position in the city government, each receiving half-pay for his half-time work. If the positions thus filled were those that would give the students an insight into the principles of government and give them the opportunity for constructive work, it would be of great importance to them. Moreover, the city would doubtless be able to secure in this way a higher grade of work—properly supervised also by the university professor—than they would get from the ordinary employee. It is hoped that some plan like this can be worked out.

Again, in every important city where a civil service commission has the supervision of appointments and promotions, there should be an opportunity for co-operation. In New York many thousands of men each year are promoted from lower to higher positions after passing examinations. The preparation for these examinations is ordinarily a mere cram on the part of the canditates. It would be much better if classes could be held for such men on topics immediately connected with their work, but so taught as to give them a better insight into the principles of government and a broader view of the whole field than they get now. Such classes might well be provided for by universities.

My suggestions would be that as regards classes held for the benefit of city employees, the city itself furnish the room and permit the classes to be held in city time,—say one hour or two hours a week, during a considerable part of the year. The added efficiency of the employees and the certainity of securing a better grade of work would justify this giving of time and rent by the city. The men themselves would profit enough by it, so that they could well afford to pay a reasonable fee for the teacher, properly equipped. The teachers selected by the university should be men entirely competent to handle that work,—in many cases they would have to be members of the faculty. No student should be allowed to practise on the city employees for his own training.

Aside from the city government proper, universities might well co-operate with the citizens in improving conditions. At Government house of New York University, for example, graduate students have organized clubs of young men, frequently voters, sometimes young men who will obtain the vote in two or three years, and in those clubs have taught the principles of city administration from as practical a viewpoint as possible. Not only are city institutions visited by these clubs under the leadership of the university men, but young citizens are encouraged to take an active part in their own civic problems. The keeping of the streets clean, the proper inspection of tenement houses, the sanitary care of the markets, even the oversight of dance houses, and similar lines of activity can well be taken up by these clubs very effectively. The leadership of the clubs trains the graduate student as no class-room work alone could do. Whereever a university is preparing men for positions such as secretaries of commercial clubs, or secretaries of social centers,—or for that matter, for any kind of public service,—the combination of a careful study of the principles with this practical work is of great importance. Wherever it has been tried, under careful supervision with the idea of scientific thoroughness underlying, it seems to have been successful.

In connection with such clubs there has been established at Government house also a municipal information bureau for the use of any citizens who care to get information regarding the city government or their own civic problems. Such work might readily be extended to clubs in churches, in settlements and other places where people are working for the public welfare.

In these ways, and doubtless various others that could be suggested, co-operation between universities and the city government would redound to the benefit of both.[3]

JEREMIAH W. JENKS.[4]

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[3] See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 68.

[4] Of the New York University.

NOTES AND EVENTS

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I. GOVERNMENT AND ADMINISTRATION

CHARTER REVISIONS

Commission Government Efficiency.—The federal bureau of the census, in a quiet way, has given commission government a decided impetus by its publication of statistics of cities having a population of over 30,000. A press bulletin released on June 12 recites the fact that out of the 195 cities in the United States falling within this class, 69 have adopted the commission form of government. Convincing evidence of the efficiency of the new system is seen in the statement of per capita operating expenses in the cities where it is in operation, as compared with those which still have the "mayor-and-council" form. The average per capita operating expense for the entire 195 cities is $17.34 per annum. Only five cities under the commission plan, to wit: Sacramento, San Diego, Pasadena, Denver and Atlantic City exceed this average. In the case of Denver the comparatively high operating charge is offset by an exceedingly low per capita debt, which is only $3.82.

In the matter of per capita debt, only seven of the 69 cities exceeded the average. A large part of the indebtedness in the cost of many of the cities was doubtless incurred many years ago, so that these figures are of considerably less importance as an index to efficiency than those for the per capita operating expenses.

This report was prepared under the supervision of Le Grand Powers, chief statistician for finance and municipal statistics.

The Commission Plan and the Commission-Manager Plan of Municipal Government is the title of an important pamphlet issued by the National Municipal League. This, in substance, is the two reports of the committee on the commission form of government, the first presented at the Richmond meeting in November, 1911, and the second at the Toronto meeting in 1913. These have been previously, but separately, published in the REVIEW.

The earlier report lays the heaviest emphasis upon the popular control features of the commission plan, and discusses the unification of powers, the non-partisan ballot, the short ballot, the abolition of ward lines and the applicability of the commission plan to large cities.

The second places the chief emphasis on the administrative features of simplified government and points out that the city manager plan follows the older type of commission government in providing a simplified and effective method of popular control, but that it goes further on the administrative side in providing for the unification of responsibility and lays the basis for expert management.

The pamphlet contains the minority report of Dr. Ernest S. Bradford and a discussion of the report by William Dudley Foulke. Both of these men are favorable to the more advanced plan but favor going slow.

The League proposes to distribute this pamphlet in quantities at cost and has set the price at $15.00 per thousand. It comprises twenty-four 6″ x 9″ pages.

Ohio Activity.—*Cleveland,* on August 12, voted on two amendments to her new home rule charter. One of these, the so-called "labor" amendment, designed to exempt laborers from the operation of the civil service law, was passed by a vote of 17,413 to 16,648. The second, which would have abolished the preferential system of voting and reestablished the old party election system was defeated. *The Plain Dealer* in commenting on the result says:

> The non-partisan nomination and election of officials, with the preferential form of ballot, has been preserved. The only change in the charter as a result of Tuesday's vote is the removal of common labor from the provisions of civil service.
>
> Though one amendment was carried and one lost, friends of the charter may well consider that victory belongs to them; for the real menace lay in the proposal which the voters rejected. It would have been a thoroughly backward step regretted by every friend of modern efficient municipal government, had the nomination and election machinery been put back to a strictly partisan basis. In comparison, the amendment adopted had small significance.

The *Toledo* charter commission finished its labors on August 13, bringing forth a charter, the central feature of which is the federal plan of government. The mayor is given power to appoint the directors of the six principal departments including the solicitor and the auditor, a director of finance. A final effort to make these officers elective was defeated. The mayor's salary is fixed at a minimum of $6,000 and that of the several councilmen at a minimum of $600 and a maximum of $1,000.

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City Manager Progress.—*Sandusky, Ohio,* is the latest city to provide for the commission-manager form. The new home rule charter which was adopted on July 28 by a vote of 1,396 to 1,289 follows, in the main, the Dayton and Springfield models. Its election sections are unusual, if not unique, in that no provision is made for primaries, or the modern substitute, preferential voting. All candidates are nominated by petition and a plurality vote is sufficient to determine choice. Credit for the passage of the instrument is given the Socialists whose support, though numerically not great, was sufficient to turn an apparent defeat into a victory. Had the charter provided for a non-partisan ballot and required majority vote to elect, it is probable that their opposition to a change in system would have had to be reckoned with.

In *Akron,* where a new charter was defeated last year, the city manager system is said to meet with the support of the chamber of commerce.

The plan is under serious contemplation in several *California* cities. In Berkeley, for instance, a committee of the City club is working on charter amendments to put the idea into effect. The Tax association of Alameda county is drafting a county charter, in which provision will be made for a county manager, and the same organization, at the request of numerous improvement clubs, is undertaking the amendment of the Oakland city charter along the same lines.

The plan under contemplation in Bakersfield calls for a small council which will exercise all the powers of the city through a manager of their own selection.

Olean, N. Y. On June 30 the new charter was rejected by a vote of 1,312 to 1,059. This result was apparently due not so much to opposition to the charter itself, but rather to personal and factional issues which were injected into the campaign.

Dunkirk, Cohoes, Lockport and Mount Vernon are the cities in New York state in which the greatest interest has been taken in city managers. More or less active movements are under way in each of these places for the adoption of Plan "C" under the optional city government law, passed by the last legislature.

The proposed charter of *Jackson, Mich.,* which will be voted on at the general election in November, calls for a small commission and a city manager.

Brief Mention. Among the cities in which charter revision is now (August 19) in progress, are Bay City, Mich., Ashtabula, O.; Jacksonville, Fla.; Macon, Ga. Florence, Ala., will vote on a new charter at a special election early in September. Mayor Marshall of St. Joseph, Mo., has recommended to the council's legislative committee that it draft an entirely new city charter. Among the cities which have recently rejected the commission plan are Chillicothe, Mo. (on July 24, 457 to 350) and Hagerstown, Md. (June 22, 1203 to 1031).[1]

✢

Dayton's Manager Reports.—The first report of the city manager of Dayton to the commission of that city, relating to new activities, and covering the half year from January 1 to June 30, is out. It details 100 items in which the administration of the city's affairs have been "jacked up," money saved and larger and better service rendered.

Among the things which have been accomplished in this short period are the completion of plans for the elimination of railroad crossing; reduction of the current deficit of $125,000; securing of plans for a garbage disposal plant; the more prompt payment of contractors for public works; the building of the Valley street bridge for $12,000 less than appropriation; the development of more efficient methods of cleaning down-town streets; reduced coal consumption in the water supply department; cutting the infant death-rate for June, 1914, to one-half the rate for the same month in the three years previous; the building of a storm sewer for less than two-thirds the appropriation therefor and the discounting of all bills in the purchasing division at two per cent. Other items are equally interesting and significant. They are conclusive evidence that under the new charter of Dayton "a man has come to court."

Doubtless anyone or all of these achievements could have been accomplished under any form of government, but the fact is that they are not. Some cities have good administration in spots, and by accident. The worth of city managers will be determined by the degree in which they tone up the whole system. It is quite clear that the unification of the city under the city manager has vitalized the organization in a way that has never before been known in American cities. It is also apparent that the administrative organization is going out of its way to find opportunities to serve the city instead of waiting in dumb cattle fashion for necessities to compel it to act.

On the form of the report, also, someone is to be congratulated; it is one of the most easily comprehended and readable we have seen. It has been published by the Dayton bureau of municipal research in pamphlet form and is available, presumably, to all who are interested.

✢

Proportional Representation for their municipal elections has recently been restored by an act of the provincial council of the Transvaal to the cities of Johannesburg, Pretoria, and Roodeport-Maraisburg, which had had the system for a few years until deprived of it in 1912. Besides restoring the system to these cities that had it before, the act also extends it to all the municipalities of the province. The passage of such an act was not unexpected by those who understood the situation, for the reactionary act of 1912 was condemned generally throughout South Africa, as it obviously had no other object than to deprive the Labor party of its fair share of the seats in the councils of those cities.

The municipal representation bill, which would permit the municipalities of Great Britain to adopt proportional representation for the election of their councils, has been passed again by the house of lords. It was first passed by that body in 1908. A resolution in favor of the principle of the bill has been passed by the commons. Apparently, therefore, nothing stands in the way of its enactment but the pressure of other matters on the time of parliament.[2]

✢

The Merit System and the Higher Offices.—The classification by the New York City commission of the six secretaries to the Board of estimate and apportionment and the consequent attempt to apply civil procedure to higher positions in the municipal service received the hearty approval of the New York civil service reform association. In a formal declaration it wished "to record its belief that few commissions have given such careful consideration to the merits and demerits of a proposed change in the classification as has your commission in this particular case." As stated publicly by the association, when it urged the commission to refuse to exempt these positions, "civil service reformers in New York City look to the present civil service commission as a commission that is to mark a real advance in civil service administration, to develop newer and better examining methods, and to press on the merit system to the highest point, provided positions which determine policies of the administration are not encroached upon. The Civil service reform association officially hopes that the Mitchel commission will not lose this opportunity to demonstrate that it can pick out the best men for these secretaryships and thereby aid in the efficiency of the Mitchel administration. The action taken would seem to be the first step in meeting the opportunity which these examinations present."

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[1] Prepared by H. S. Gilbertson, executive secretary, Short Ballot Organization.

[2] From C. G. Hoag.

The New York municipal civil service commission worked out plans for the examination of a director of public health publicity in connection with the department of health, the first non-assembled test attempted by the New York commission. It also drafted an advertisement for the secretary to the market committee of the Board of estimate and apportionment, throwing open this examination to women as well as men. In fact, it will be the policy of the commission to open positions to women wherever possible.

Another event of significance was the change of the rules providing that hereafter a first grade clerk is eligible for promotion after one year in the service and a second grade clerk after two years. The shortening of the period of eligibility for promotion will encourage able and ambitious clerks to remain in the service and as the raw material for employes in the higher positions is drafted from these grades such a rule ought to have a good effect upon the whole clerical service.

The most far-reaching movement in the civil service of New York City is the attempt to standardize duties and to classify positions based upon a description of the duties. The municipal commission is co-operating in this direction with the bureau of standards that a sounder classification of the duties will be established. This tendency is general throughout the country and if it results in a sound efficiency record system, it will greatly aid the proper enforcement of the civil service laws and lead to a sound system of promotion.

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National Assembly of Civil Service Commissions.—The responsiveness of the merit system to the increasing demands for efficiency in administration was the keynote of the annual meeting in Pueblo in June. Beginning with competitive scholastic examinations for the appointment of clerks the system has been extended until it has been made applicable for testing fitness for highly technical and administrative positions other than those of elective officers, heads of departments and the principal assistants of the executive.

In addition to their functions as examining bodies some of the commissions are now charged with making efficiency studies, simplifying the organization of the executive service, discovering needless duplications of work, effecting economies and promoting the effectiveness of the public work. Dr. Henry Moskowitz, chairman of the New York commission, voiced the feeling of the delegates in declaring "we must employ the civil service law as an aggressive instrument of efficiency in government."

The meeting was chiefly devoted to the consideration of a model civil service law, reported by a committee which had had its preparation in hand during the year previous and to which it was recommitted. In its report the committee defined the scope of the work of a civil service commission as extending not only to the appointment of fit men after a thorough and impartial test of merit, but that it is important that in their subsequent daily work the same standard of merit should be maintained so that the public may derive the benefit of the merit system. The committee added:

"Where public employes deteriorate through their own fault, they should be removed. If they deteriorate because of the conditions of employment which make good work impossible or unnecessarily difficult, these conditions should be corrected. The prompt and certain removal of incompetent employes, the correction of defective organization and defective conditions of employment, the training of employes, the task of getting competent men into the public service and of keeping them there, the correlation of their pay with the results achieved, the preparation of the budget in its employment, as distinguished from its financial features, and the maintenance of standards of efficiency, are all employment problems which do not change with changing administrations and which require constant expert treatment."

In its resolutions the Assembly urged closer co-operation among the various states and municipal commissions looking to the improvement of the quality, character and utility of examinations, reduction of costs, and particularly a closer co-operation among the commissions of the same state, believing that, wherever it is possible and practicable, efficiency bureaus and civil service commissions should be consolidated.

II. FUNCTIONS

Houston's Plan of Tax Exemption.—The following questionnaire was sent to twenty-five representative business men of Houston by students of the University of Texas:

I. Is the Houston plan of exemption a just one?

II. Has it reduced the amount of taxes you pay?

III. Has it worked to the advantage of any special class of property owners?

IV. Has it worked to the disadvantage of any class of property owners?

V. Has the plan been well received by the property owners?

VI. Has it tended to increase building in Houston?

VII. Has it increased or decreased the value of land?

VIII. Has it increased or decreased land speculation?

IX. Has it increased or decreased the number of land sales?

X. Is it likely that the plan will be continued in use?

XI. What do you think of the plan as a whole as a result of its operation in Houston?

Few were returned answered. Among those who answered were two doctors, four capitalists, two real estate agents, and two business men with large property holdings in Houston.

The so-called Houston plan of exemption is clearly contrary to the constitution of Texas, but as yet it has never been so declared by any court. Land in Houston is assessed at its fair value as ascertained by the Somers system, while buildings and any other inprovements are assessed at twenty-five per cent of their present value. Household furniture and effects are exempted.

Judging by the answered questionnaires it is the large property holders who oppose the plan and the small property holders who favor it.

The result of the questionnaire is as follows.

Question I. No. 8; yes, 2.

Question II. No, 10.

Question III. No, 4; yes, 6.

The ones who answer "yes," say that the plan favors those who own tall buildings.

Question IV. No, 3; yes, 7.

Question V. No, 4; yes, 2.

Question VI. No, 7; yes, 1.

Question VII. Decreased, 6; increased, 0.

Question VIII. Decreased, 4; increased, 0.

Question IX. Decreased, 4; increased, 0.

Question X. No, 7; yes, 2.

Question XI. Favored, 2; opposed, 8.

The objections to the plan seem to be its unjustness and artificiality. It stimulates building where there is no real demand for such. It is claimed that the plan taxes one kind of property and not another kind.[1]

⁂

Municipal Utilities.—*Home Rule for Pennsylvania.* Very definite reaction is noticeable throughout all Pennsylvania to the recently enacted public service company law which overstepped the mark and deprived the cities of Pennsylvania of practically all effective powers over the utilities within their borders. Contracts between municipalities and utility corporations must be approved by the public service commission. This contract cannot be brought before the commission except by the public utility company itself before it has been duly signed by both parties. It has been stated that the reason this remarkable power was given to the utility corporation and denied to the municipality was that "the municipalities are able to take care of themselves." To enter upon any public ownership or operation of a municipal utility plant, or even to extend the territory of existing municipal plants, the cities must get the approval of the commission. These are but a few of the provisions of the law which are causing widespread dissatisfaction among city officials and urban residents.[2]

On July 17, 1914, a meeting of the municipalities of the state was held at Harrisburg and a permanent Municipal Home Rule League of Pennsylvania was organized with David L. Starr, of Bellevue, president, George F. P. Langfitt, of Bellevue, secretary, and R. A. Holmes, of Langford, treasurer. Resolutions were adopted which read as follows:

> WHEREAS, We believe that it was the real intent of the legislature, and the understanding of the people of the state, that, in the enactment of the public service company law of 1913, the Public service corporations would be more rigidly controlled in the interest of the public welfare without depriving any municipality of the rights heretofore vested in it, and
>
> WHEREAS, The legislature, by the enactment of said law, has greatly enlarged the power and privileges of, and more securely entrenched in an invulnerable and monopolistic position the public service companies of Pennsylvania, and in a corresponding degree deprived the municipalities, and the people at large, of their inherent and constitutional and contractual rights and power of self-government or home rule, the effect of which has been and will be, judging from the interpretation of said act by the courts and the public service commission, the destruction of competition, thereby increasing the cost of commodities to the people and incidentally the cost of living, and
>
> WHEREAS, Said law unjustly discriminates against all municipalities which had not, at the time of its passage, established their own municipal plants or works, by depriving them of the right to purchase, build or operate such works wherever the public service company for profit is doing business in any such municipality;
>
> WHEREAS, The said law in many respects is diametrically opposed to a government of the people, for the people and by the people, and fundamentally wrong in principle,
>
> *Be it resolved*, That we do hereby protest against said law in its present form, and all laws abridging the inherent rights of the people concerning self-government or home rule; and we call upon the electorate of the state, without regard to party affiliation, to use every honorable means to elect such candidates to public office as will favor such legislation by amendment of said act, or otherwise, to restore to the municipalities the rights and privileges vested in them prior to the enactment of the above mentioned public service company law, and the repeal of all other laws which tend to restrict the constitutional and inherent rights of a sovereign people, and that they will strive to have placed on the statute books of our state instead thereof such laws as are necessary to give to all counties, cities, boroughs, townships and districts the constitutional self-government, and
>
> We favor open and free competition in the public utility field.

Holding Companies in Public Utilities. Under the guidance of William P. Bonbright, a brief was submitted to the Interstate commerce committee of the Senate in the matter of Senate Bill No. 4160 in behalf of public utility holding companies. This brief laid down many arguments, some of which were sound and many fallacious, as to the advantages of holding companies. One of the most significant statements was as to the magnitude of the interests involved and the large amount of capital invested in such companies. "The total capital employed," says the brief, "in electric, gas, street and interurban railway companies, commonly called public utility corporations, in this country today is estimated to exceed eight billion dollars. Of this capital nearly five and a half billion dollars are controlled by holding companies and their subsidiary companies. Of the approximately eighty-nine millions of people served by electric light and power and gas companies over sixty-two millions (approximately seventy per cent) are served by holding company systems.

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[1] From C. J. Landram, Houston, Texas.

[2] See Dr. Wilcox's review of *The Annals* under Book Reviews, *infra.* EDITOR.

"*Electric Light and Power.* The electric light and power companies represent approximately two billion dollars of capital of which approximately seventy-six per cent is controlled by the holding company form of organization. These utilities serve over fifty millions of people, approximately thirty-eight millions of which are served by holding companies. Of five hundred and seventy-seven cities of ten thousand or more population served, four hundred twenty-eight are served by holding company systems. Of the one hundred fourteen cities in the United States of a population in excess of fifty thousand, one hundred three are served by holding companies. Of the fifty-four cities in this country having in excess of one hundred thousand population, forty-nine are served by the holding company.

"*Gas.* Artificial gas companies represent a capital of approximately one and one-third billion dollars. Of that capital, approximately two-thirds is controlled by holding companies. The gas utilities of the country serve approximately thirty-eight and one-half million people. Of this number nearly twenty-five million are served by holding companies or their subsidiaries.

"*Street Railways.* Street and interurban railway companies represent a total capital of approximately five billion dollars. Of this sum it is estimated that not less than two-thirds is controlled by holding companies. In the twenty-eight cities having a population in excess of two hundred thousand, the mileage of track controlled by holding companies is in excess of sixty-one per cent. Here, again, it is of interest to note that only four of these cities have more than one principal operating company and only two of these cities have companies that are really independently and separately owned."

Cleveland's new municipal lighting plant is now ready for operation, Cleveland is to be the center of an experiment of selling electricity at a three cents maximum rate with adequate returns to the city for its investment at that. Nor is Cleveland's proposal limited to the selling of electric current at three cents to the individual householder. Sweeping reductions will be made from this rate to the larger consumers, so that manufacturers and others who wish very large quantities of current for motor service can buy it as low as 1 cent per kw. hr.

Charles Whiting Baker, editor of the *Engineering News*, in a recent editorial, points out the various cost factors in generating and distributing electricity for Cleveland's plant, and verifies the contentions long made by Frederick W. Ballard, the city's lighting commissioner, that the city can operate its plant and distribute electricity at the rates mentioned above. Certain excerpts from this editorial will give Mr. Baker's basic argument as to the practicability of the three cent rates.

Cleveland fell heir to a complete municipal electric-lighting plant when it absorbed two smaller municipalities a few years ago, two outlying suburbs known as Brooklyn and Collinwood. The Collinwood plant may be dismissed without further mention, as it is of very small size, so small that its operating cost per unit of power output is very high. The Brooklyn plant, however, has been in operation for a dozen years. "Begun in a modest way in 1902 from the proceeds of a bond issue of $30,000, it has been added to year by year until its book value at the present time, including, of course, both the station and the distribution system, is $435,000 in round figures."

Mr. Baker then shows that this book

value is justified both on a basis of reproduction costs and a value due to its net earnings. He then points out that the Brooklyn plant in 1913 sold current of a total value of $185,698. Its total operating and maintenance expenses were $116,719, leaving net earnings of $68,979. It will be seen that these net earnings were equivalent to nearly 16 per cent upon the book value above quoted of $435,000.

"This Brooklyn plant, it should be especially noted, did this business and made this handsome profit at rates which, though not so low as those soon to be put in force by the new Cleveland plant, are phenomenally low compared with those usually charged by electric-light companies. The average rate for all current sold by the Brooklyn plant last year was only 328 cents."

Mr. Baker summarizes the several cost factors per kw. hr. of output as follows:

	cents
Operating cost of generating current at station	0.40
Interest and depreciation on station plant	0.16
Operating cost of distribution	0.50
Interest and depreciation on distribution system	0.51
	1.57

"This is the figure for current at the station. If we assume a 20 per cent loss in the distribution system, then the cost of current at the consumers' meter will be 1.96 cent."

Evidence from other sources clearly indicates that the base rate of 10 cents per kw. hr. charged by so many electric light stations is wholly unjustifiable and unreasonable. As Mr. Baker clearly points out, this means that the electric companies must make rates in the future, based on a replacement basis, and not on watered stock or even on investment values.

Public Electric Plants. A distinctive increase in the municipal ownership of electric plants from 1902 to 1912 is shown by the following figures appearing in Bulletin 124 of the Department of commerce, on "Central Electric Light and Power Stations and Street and Electric Railways 1912." The number of stations has increased from 815 in 1902 to 1,562 in 1912, an increase of 91.7 per cent. The total income for the year amounted in 1912 to $23,218,989 as compared with $6,965,105 in 1902, an increase of 233.4 per cent. The total expenses for 1912, including salaries and wages, amounted to $16,917,165 as compared with $5,245,987 in 1902, an increase of 222.5 per cent. The total number of persons employed was, in 1912, 7,940 as contrasted with 3,417 in 1902, an increase of 132.4 per cent. The output of stations, in kilowatt hours, was 537,526,730 in 1912 as compared with 195,904, 439 in 1902, an increase of 174.4 per cent. The number of new municipal stations established from 1907–12 was 307; the number of stations that changed from commercial to municipal, 106; the number that changed from municipal to commercial, 80, making an increase of 26 for municipal ownership. In the period from 1902–1912, while the total number of commercial and municipal central electric stations increased 0.9 per cent, the number of municipal stations increased 51.5 per cent, while the number of commerical stations actually decreased 7.7 per cent.

Electric Lighting. The third annual report of the Toronto electric commissioners gives some valuable data as to the costs of distributing electric current. The commissioners bought their current from a hydro-electric plant at Niagara Falls at a total cost, for the year ending December 31, 1913, of $255,986.26; the operating and distributing expenses totaled $425,230.78; the net earnings for the year were $478,122.70. The cost of current for 1913 was 22.08 per cent of the income as compared with 26.74 per cent of the income for 1912. The expenses of operation, maintenance and management were 36.68 per cent of the income for 1913 as compared with 42.14 per cent of the income for 1912. The income from commercial lighting increased during the year 35.53 per cent, while the income from power and from exhibition and sundry items increased 19.81 per cent and 3.71 per cent respectively. The total commercial income for the year increased 59.05 per cent as compared with a total income from public lighting of 40.95 per cent. Thus, in spite of some grave mismanagement by the acting general manager during the first part of the year 1913, which led to his preemptory dismissal, the operation of Toronto's public distribution system has been most successful.

Municipal Railways. On May 23, a municipal street car line went into operation in Seattle. The line extends from the business part of the city to Ballard, a manufacturing district four miles north. Twenty-five tickets are sold for one dollar, the ordinary fare being five cents. The city is negotiating for the purchase of the Seattle, Renton and Southern Railway which connects with the municipal railway.[1]

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Denver.—The most significant recent municipal developments have arisen out of the city's attempts to control the public service corporations. On February 20, 1914, Judge John H. Denison, in the district court, handed down an important decision affecting the Mountain states telephone & telegraph company, the local Bell telephone organization, which has a monopoly in the Denver region. The decision affected the Brown ordinance which was initiated and passed at the spring election of 1912. This ordinance reduced the telephone rates on an average of about thirty per cent. Judge Denison held that the rate reduction was illegal on the ground that the Brown ordinance was actually a franchise. In accordance with Denver's charter, the franchise can be granted at an election at which only tax payers participate. The entire electorate had voted on the Brown ordinance.

In his decision, however, Judge Denison arrived at a number of other conclusions. First, he held that the city's power to make rates is unquestioned. The telephone company had denied this, because it, alone, among the important public utilities, is not specifically mentioned in amendment twenty of the state constitution, which grants Denver control over the public utility corporations. He also held that the Mountain states telephone company is a tresspasser.

The company was granted a twenty year franchise in 1889. This franchise, which was never renewed, expired in 1909. In behalf of its right to occupy the streets without a franchise, the company cited a number of acts of the legislature through which it claimed a perpetual franchise. Judge Denison ordered the company to remove its poles and wires within ninety days. The case, however, was appealed to the state supreme court and if possible will be taken to the federal supreme court.

During April, the Denver Business men's association conducted negotiations with the telephone company, as a result of which a reduction of approximately twenty per cent on the average was made in the telephone rates. The city commissioners endorsed the efforts of the business men to obtain lower rates but did nothing to curtail the city's legal rights to regulate further the rates or to acquire and operate a municipal telephone plant.

Denver's historic water question again became troublesome on May 13, 1914, when Judge John A. Riner of Wyoming, acting for Judge R. E. Lewis in the federal district court, issued a temporary restraining order preventing the city from enforcing the ordinance passed by the city council in February, granting a reduction of twenty per cent in the rates charged by the Denver union water company. During the negotiations prior to the special election in February, at which an indefinite contract with the water company submitted by the Retail association was overwhelmingly repudiated, the water company had offered a ten per cent reduction in rates. Attorneys for the water company admitted the ordinance passed by the council in February was legal in form but they urged that the twenty per cent reduction was confiscatory. The water company has had no franchise since 1910. It, too, claimed a perpetual franchise but in May, 1914, the United States supreme court ruled adversely on this claim. Judge Riner ordered the company to put up a bond of $10,000 as a protection to the people. The twenty per cent in the rates is very much in excess of the amount of the bond. The decision of the federal district court was extremely unpopular in Denver. Public meetings were held at which a "strike" of water consumers was proposed. The situation has been complicated by the determination of the city to build a municipal water plant. Eight million dollars' worth of bonds have been voted for this purpose but these bonds have not yet been issued.[1]

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[1] From Dr. Clyde L. King, University of Pennsylvania.

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Public Safety Notes.—*Police Card Index System.* Being unable because of lack of funds to install a Bertillon system in his department, Police Chief Detzel of Erie, Pennsylvania, has devised a card index system by means of which he is endeavoring to keep track of the city's criminals. These cards give full particulars of each arrest together with the disposition of each case in court. In the case of each prison sentence the card will also give the date of the prisoner's release and this will serve as a reminder to the police that the criminal is again at large and requiring surveillance.

Inspection by Uniformed Firemen. Commissioner Adamson of the New York fire department has issued an order providing for the inspection of all buildings other than private residences by uniformed firemen assigned to this duty by company commanders from day to day, for the purpose of reducing fire hazards by the issuing of verbal orders to owners. This plan has proved to be very effective—many hazards have been discovered and promptly removed; the inspection service has been carried on without expense to the city and without detriment to the efficiency of the fire-fighting service and the outdoor inspection service has not been considered irksome by the firemen.[2]

✣

Houses of Ill-fame.—The abatement law of Iowa passed in 1911 has served as the model for similar legislation in many states. In California a new law makes it possible for any citizen to get out an injunction against any place used for immoral purposes, and if maintained the place is to be closed for one year. The owner may, by giving bond that the place will not be used for immoral purposes, secure a release from the closure.

Very similar provisions are found in laws of Minnesota[3] and South Dakota.[4]

✣

Public Dance Halls in cities of the first, second, and third classes are licensed and regulated under a recent Minnesota law. The law prohibits sale of intoxicating liquors in the hall or adjoining; indecent and immodest dances are prohibited; halls are to be fully lighted and minors under eighteen are excluded; licenses are to be granted by the governing body of the city.

✣

State Appointed Police Commissions.—An act has been passed by the legislature of New Hampshire unifying the laws relating to state appointed police commissions, which are still found in seven cities and one town. The law provides for a commission of three members each, not more than two from any one political party, the commissioners to be appointed by the governor and council for overlapping three-year terms and to be removable at any time by the appointing power. These commissions appoint police and superior officers, fix their salaries, adopt rules for the government of the police force, and remove any officer for just cause after hearing.[5]

✣

A Board of Public Morals was created in the department of public safety in cities of the second class (Pittsburgh and Scranton) in Pennsylvania by a 1913 act, for the purpose of investigating and acting upon all questions relating to the matter of vice control. The board consists of seven members, three of whom may be women, appointed by the mayor and approved by the council. The board elects a superintendent from their own number who is to give his entire time to the work of the board.[1]

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[1] From William L. Chenery.

[2] From Dr. Leonhard Felix Fuld.

[3] Chapter 562 Minn. L. 1913.

[4] Chapter 123 South Dakota L. 1913.

[5] From John A. Lapp.

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London School for Police Recruits.—Movements to raise the standards of police efficiency are gaining ground in all the important cities of Europe and America, and in many instances schools for formal instruction in police powers and duties have been established for the training of policemen and police recruits. The schools of London, Berlin and Paris are especially noteworthy. Dr. Leonhard Felix Fuld, of New York, has made a special study of these schools and finds the London school of police recruits of special interest to American officials in the selection of subjects and scope of instruction. This school provides an eight weeks' course of training in academic preparation, police duty, self defence, foot drill and gymnastics. The academic preparation provided by the London school includes reading, writing, spelling, grammar, composition, punctuation, filling in of forms, dictation, study of maps and plan drawing. The training in police powers and duties by means of lectures, investigations and reports, covers:

First, acts and legal provisions relating to police powers and duties, streets and highways, metropolitan streets, special and general limits, locomotives, tramways, motor cars and carriages, offenses against person and property, prevention of crime, vagrancy, children, licenses, explosives, guns and pistols, and crime in general;

Second, duties of police in respect to assaults and other offenses against the person, serious crimes, factories, meetings, strikes, riots, processions, street obstructions, carriage standings, cab fares, disputes and refusal to pay, open air preaching, street collections, advertisements, street messengers, shoeblacks, chimney sweepers, peddlers, hawkers, vagrants, destitute persons, suspicious persons costermongers, removal of furniture at unseasonal hours, irregularities of servants, betting in the streets, drovers of sheep and oxen, refreshment houses, public-houses, licenses, clubs, fires, gas explosions, fusing of electric wires, collapse of buildings, collisions, runaway horses, accidents or illness in the streets, sudden death in the street, leakage from gas and water mains, broken telegraph and telephone wires, insecure cellar flaps and coal plates, dangerous structures, subsidence or upheaval in the highway, amusements or games in the streets, water trough and drinking fountains, infectious diseases, deaths, suicides, indecency, indecent prints and advertisements, exposures, prostitutes, brothels, public music and dancing, intoxication, ill or injured animals, cruelty to animals, aliens, royal personages, privileges of ambassadors, pass cards, naval and military deserters, soldiers and sailors in custody, illegal wearing of naval and military uniforms, attention to shops, establishments of jewellers, pawnbrokers, post offices and letter boxes, public libraries, assistance to shop and factory inspectors, assistance to bailiffs, assistance to military officers, treatment of persons ill or insensible, and sudden deaths in the street.

Third, the rules of evidence, charges, prisoners, prisoners' property, searching, finger prints, descriptions of persons wanted, dying declarations, cross examinations, apprehensions, mode and power in arrests, summonses, method of reporting offenders, system of compiling reports, value of original notes, use of telephone, fire alarm posts and fire extinguishers, beats, fixed points, and attention to premises for the prevention of crime.[2]

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Municipal Markets.—*Cleveland.* The municipal committee of the Cleveland chamber of commerce was requested to investigate and report on an ordinance introduced into the Cleveland city council proposing a municipal bond issue of $60,000, for the erection of market places. In their report, issued in April, the committee states the following:

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[1] From John A. Lapp.

[2] From Professor Murray Gross.

"A new market, if constructed, should be a large but simple structure whose cost would permit low rentals from the dealers and hucksters who now congregate there. The land should be of size sufficient to maintain a curb market, so divided and protected that sellers and buyers can deal with some degree of comfort. It should be supplied with ample cold storage facilities, whose revenues would also reduce operating cost, enabling a reduction of stall rentals and consequently reduce prices to the public. The weekly inspection of weights and measures, sanitary supervision and police control would be more effective in a new building. No one can visit the market without feeling that municipal action at this point is needed and that the volume of business now done here is ample guarantee that bonds issued for this purpose would never burden the tax payers."

La Crosse, Wis. As a result of a conference between farmers and merchants in an effort to secure a closer relationship between city and country, La Crosse will establish a municipal market. The city will employ an expert buyer, and all the produce brought in by farmers will be sold at prices published in the daily papers on the previous day. An effort will be made to dispose of the produce to home merchants. The remaining produce will be shipped out of town.[1]

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Municipal Gas Plant Party to a Coke Monopoly.—Considerable acrimonious comment has been aroused in Berlin by the discovery that the municipal gas plant of that city has entered into an agreement with a monopoly which controls the sale of coke in the German metropolis. In defence of the administration of the gas works the usual arguments are brought forward, such as the difficulties and losses involved in small sales, the simplification of this side of their business and elimination of risk by joining the coke monopoly. On the other hand, the city authorities are sharply attacked for allowing all influence in determining the price of coke locally to pass out of their hands, thus delivering the consumer of coke to the mercy of the big dealers in this commodity. Since the establishment of the monopoly in 1912 coke prices have been advanced forty per cent by the monopoly. Retailers have not dared to go so far and have advanced their prices only 23 to 34 per cent. It is admitted that the coal used by the gas plant has advanced in cost during the last few years, but not to anything like the same degree as this increase in the price of coke.[2]

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Municipal Poultry Farm at Bielefeld.—Poultry farming does not suggest itself at once as a municipal trade. Bielefeld, however, has recently established such a farm on its sewage fields with the purpose of using the products in the form of eggs and meat in the municipal hospital. Discussing this novel enterprise, Dr. Gustav Hoffmann calls attention to the fact that already in a considerable number of cases German cities have entered upon the sale of meat, potatoes and milk. Eggs are of scarcely less importance as a fundamental food stuff. Next to England, Germany is the largest egg importing country in Europe. Transportation expenses and the manipulation of egg exchanges make prices artificially high. Since private enterprise seems incapable of meeting properly the demand for this important article of food, why should cities not establish poultry farms for the supply, not only of hospitals, but also of citizens generally?[3]

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Correction. Through the kindness of a Berlin reader of the REVIEW our attention has been called to an erroneous statement in the July number, concerning the waterworks of Charlottenburg. It was there stated that the waterworks of Charlottenburg are owned by a private corporation, but it appears that the city owns its own waterworks and that there is also a private company called "The Charlottenburg waterworks" which supplies the municipalities about Charlottenburg. The error was due to the misleading name of the private company.

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[1] Clyde Lyndon King.

[2] From Dr. Robert C. Brooks, Swarthmore College.

[3] From Dr. Robert C. Brooks.

III. POLITICS

Affairs in Oakland, Cal.—Of course there is always an intimate connection between municipal, county and state affairs, in California, but that connection at the present time, as between the city of Oakland and the county of Alameda, is a serious entanglement in the way of progress, intensified by the bitter hostility on the part of most of the actual leaders in Oakland municipal affairs towards anything and everything that seems, by any possibility, to afford any conceivable opportunity for a Greater San Francisco that may reach into Alameda County.

Ever since the latter part of 1912, the tax association of Alameda county has been working hard at the root of the problem, a charter for the county of Alameda, and it looks now as if this, with the correlative city charter work, was almost ready for public display, and that it might be summed up somewhat as follows: A county charter with a comparatively large council, say about twenty-five, with a small executive committee, say about five, and a county manager to be appointed by such committee, together with a similar arrangement for the city, and suitable provisions interworking in the interest of simplicity and economy as between the city and county.

Without going into the merits of the many controversies involved, it is clear that there has been an accumulating dissatisfaction with the present administration of city affairs, as well as county affairs, and that will find some outlet as to city affairs at the next general municipal election, but it is hoped that such charter changes will precede such election and it is considered doubtful whether the county election in November of this year will much affect the present city situation.

The general control of public utilities has passed to the state, but not including, of course, municipal wharves and wharfage matters.

The long continued effort of the tax association to bring about an efficient city accounting system has not been successful. It is claimed that city purchases made of late in the open market show a great saving over the old contract system and that "it would be vastly to the city's interests financially if the charter might be amended so that the $500 limit of purchases in the open market would be raised to $1000, or even $2000." It is also claimed that there will soon be "approximately nine miles of shipping frontage that will be directly accessible to both deep water and railroad advantages."

On the sociological side, the efforts of the present health director of Oakland to transform "a hap-hazard health department of village type and to build it into a municipal department for a city of 200,000 population," are notable; also the determination of the women of Oakland to turn the city school buildings into social centers, which movement is backed (among others) by the superintendent of playgrounds, who has accomplished much in several directions and is now pressing for an adequate development of city bathing and swimming facilities in connection with a municipal water park.

Oakland has great reason to be proud of much that she has done, is doing and that she will unquestionably do in the very near future and before the rush of the 1915 visitation. Nevertheless there are sore spots in the body politic and while they should not be needlessly displayed, at such a time and place as this it would be an injustice to those who have struggled faithfully and are still striving to cure them, to ignore that phase of the status of municipal affairs. For example, the so-called newspaper graft may not be any more reprehensible in point of morals, taken by itself, than the nationwide system of tax assessment returns for far less than the true values called for by law, yet the continuance of this particular evil in Oakland and Alameda county, in its connection with politics, demands plain speech and is a fair illustration of certain fundamental difficulties in getting out from under old political habits, especially where the aid of the newspaper press can not be had but is, on the contrary, encountered by at least a conspiracy of silence. It is difficult to understand why as late as July 27, 1914, the city council awarded to a sole bidder the official advertising apparently on terms roughly speaking about twice the maximum permitted by the city charter. Laying aside what are probably mere flimsy technicalities, one may well assume that if the truth were freely given in explanation it would be that in both city and county affairs one or more newspapers are thus indirectly and in violation of law paid for other work than that covered by such contracts. It is quite possible that such late city contract is not void, nor even voidable, but, having read into it the limitations of the city charter as to the maximum amounts payable, it is only necessary that the bills be properly audited and only proper disbursements made up to, but not beyond the charter limits, to secure a belated justice that would cheer the hearts of the uncompromising foes of, not only graft, but of every form of playing fast and loose with the law under a still lingering phase of political license.

Now with special reference to Socialist participation in the municipal affairs of Oakland, I will say, without taking too much credit but cheerfully assuming all the responsibility for both views and expression thereof, that the situation can probably be fairly summed up about as follows:

The Socialist strength is small, but compact and sure. It is about 8,000. It is bent on principle and propaganda, rather than on any mere form of temporary political success. It is mostly manned by those who make no lasting sociological appeal, but who do often make a very effective temporary psychological one. That is, they can not draw and unite and hold enough elements to accomplish much with present methods and leadership. A leader, arriving through Eastern immigration or otherwise, a man of uniting and not dividing type, would, of course, greatly increase their practical strength.

The non-partisan ballot is condemned (at least as to the city and the county) by the Socialists, but it helps them more than anybody else, for it leaves them the only compact and solid group. In our case there has been a most pronounced "boss" control of political positions and apparently (through public advertising) of the press, and the best organized party of all is the machine. The non-partisan ballot which we now have in the county will tend to destroy this power, leaving the Socialists relatively stronger. Then when there is a contest, narrowed from many to two, in eliminating primaries, the Socialist force will go to the less conservative, the "anti" side, every time. At the election of the present mayor in Oakland, for instance, the Socialists lacked (speaking roundly) only a thousand votes to have changed the result, and if a man of a different calibre had been their candidate they might easily have had far more than that advantage.

Practically speaking, for the present at least, in Oakland, the Socialists are simply the rallying point, "the soul of the soldiery of dissent," a good whip, but not trusted to drive. It is contrary to human nature, to all the psychology of the handling of men, for any party to get or keep power to any extent which is to such a degree negative, decisive, and contemptuous of whole classes. A popular candidate must at least pretend to be of all and for all. If any are "beyond the pale," to him they must be a few marked individuals. He can not indict whole classes and expect sympathy and votes on a wide scale. That is a matter quite apart from the rationality or irrationality of the Socialist program. Men do feel, but it is a painfully slow process to bring them to the point of really thinking and standing by their own conclusions.

I append a clipping of August 10, of one of the San Francisco newspapers, of the official figures given out as final by the County Clerk of Alameda County as to the county registration in the Assembly Districts, completed August 9, 1914, and it will be seen that such total registration of socialists is only 5,400, and the comparative figures are significant yet must not, of course, be too greatly relied upon as showing alignment in municipal affairs.

The following are the final figures on Alameda county registration, completed today by the County Clerk:

Assembly district.	Rep.	Prog.	Dem.	Soc.	Pro.	N.-P.	Total
34th..	5,897	2,621	1,558	354	65	307	10,802
35th..	8,119	4,406	1,368	833	97	429	15,252
36th..	6,955	6,905	1,788	994	199	669	17,510
37th..	7,112	6,800	1,639	443	123	477	16,594
38th..	4,065	6,429	912	562	52	309	12,329
39th..	4,624	6,063	883	604	61	333	12,568
29th..	4,624	6,063	883	604	61	333	12,568
40th..	4,304	5,393	1,316	1,084	150	562	12,809
41st..	5,475	6,674	2,152	526	155	623	15,605
	46,551	45,291	11,616	5,400	902	3,709	113,469[1]

* * *

Tacoma.[2]—The political situation in this city resulting in the re-election of a recalled mayor continues to be most interesting. The following letter gives a sidelight of considerable value. It is from one who has been in close touch with events and knows whereof he speaks:

"A. B. Fawcett, who was recalled and again elected this spring, is, first and foremost, a man of considerable means, lives economically, has absolutely no hobby or apparent method of spending his money, outside of politics, in which pursuit he is willing to spend it freely. During his long political career he has naturally come to know a great many people, probably more than any man in the city. He is also clever in organizing, and has a very effective organization in every precinct. He is a very singular man; a man of great force and resourcefulness, inordinately vain, and has a passion for politics, and is vindictive to a degree. Educated by experience and hard knocks, he stands as about the only example in this community, who has built up "a following," and he has had for many years a strong following. While I regard him essentially dishonest in political affairs, I regard him as honest in money matters; yet through his forcefulness, through his vindictiveness in getting after his enemies and rewarding his friends, he necessarily would be a prominent figure in anything he would undertake.

"On the other hand, his chief opponent was a Lutheran minister, who, while an old resident, was not very widely known, and he endeavored to follow Mr. Fawcett's tactics in refusing to explain his policies, provided he was elected. That went all right with Mr. Fawcett, because people knew about what he was, but it was not the policy for a new and practically unknown candidate to follow. Moreover, there was another element which entered into it largely, and that was that Fawcett, in order to get the women's vote, inaugurated the "anti-treating" program, and thereby incurred the enmity of the saloons, with which class he had always theretofore been allied. A portion of his building is rented to a saloon, so that it is absolute "bunk" on his part, but of course it goes with a majority of the people. In order to catch this disgruntled element, Stoever thought he had to avoid standing in too closely with the ministerial alliance (and in that I think he was right), that is, he had to pose as a liberal man, rather than on his record as a preacher. But in a matter of so great delicacy, he went too far, and in the endeavor to show that he was not a stool pigeon for the ministerial alliance, he really insulted them, and disgusted a large church element.

"Another reason which contributed to Mr. Fawcett's election, was that people thought that the recall had taught him a lesson, a good deal on the principle that 'a child with burned fingers avoids the fire.' They thought if they elected him his naturally cantankerous disposition would be modified, and they felt disposed to give him another show. As a matter of fact, this has been true.

"Another cause which contributed to his election was that the council saw fit to raise the salaries of the firemen, linemen and some others, and incidentally this increased the tax levy one mill. As a matter of fact, the tax rate was *decreased*, but we desire to pay off a large debt and many of the people absolutely refused to see that there had been an actual reduction, and the extra increase was more than covered by retiring the debt and in cash receipts from the light department. But on the other hand, the increase in salaries was certainly deserved because we have the two platoon system, and the firemen were not getting enough. As a matter of fact, after we raised their salaries, they put up a referendum for a three platoon system (eight hours on and sixteen hours off) which failed to carry by a very small margin. I am satisfied that if we had not raised their salaries it would have carried. Moreover, some of the disgruntled ones tried to get up a referendum on the salary increase, and were not only unable to get the requisite number of signatures, but it met with no popular response whatever; so that upon the whole, it was entirely justified.

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[1] From R. S. Gray, Oakland, Cal., August 12, 1914.

[2] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 608.

"However, all these things counted, and while there will always be more or less of a hubbub while Mr. Fawcett has any influence, on the whole I think that within his powers and limitations, he is trying to give Tacoma as good an administration as he knows how."

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Reading's Fire Department Referendum.—One of the early acts of the commission which, under the Clark law, took over the government of Reading, Pennsylvania, in January, 1914, was the passage of an ordinance creating a paid fire department in place of the voluntary system in vogue. The ordinance was enacted upon recommendation of experts who had been brought up from New York. A petition for a referendum of the ordinance was immediately filed and at the election held in June it was overwhelmingly defeated by a vote of 9,411 to 1,916.

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Measures against Social Democrats in German Cities.—The Bavarian government has incorporated into its new code for municipal officials a provision that social democrats shall be ineligible for such positions. Though this is considered an illegal restriction it is justified by the authorities on the ground that social democrats are not in a position to meet the requirements of the law that communal officials "must show themselves worthy of the esteem due their office, both in their official capacity and otherwise." Social democrats, it is claimed, cannot command that esteem.

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Municipal Social Politics in Breslau.—In 1915, Breslau will establish a new salary schedule for its municipal employes. Conditions were found to be so desperate among those of large families, however, that immediate action of some sort in this behalf was deemed necessary. A recent study of the wages of the employe of this city shows that a considerable percentage of them receive less than the recognized local wage for adult males of 84 cents a day. Household budgets kept by the wives of six hundred such employes established conclusively that a decent standard of living was impossible under the present wage scale. Acting upon these facts the magistrat has presented to the council an ordinance providing that municipal employes shall receive assistance in proportion to the size of their families. It is estimated that this ordinance will affect 1,142 employes with 4,450 children and involve the payment to them of $38,000.00 per year.[1]

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Intimidation in Prussian Municipal Elections.—In Prussian municipal elections ballots are not used. At the polls voters must announce the names of the candidates of their choice *mündlich und laut*. Naturally this furnishes every opportunity for the use of influence upon electors. Abuses of this sort seem to be especially common in the industrial sections of the country, such as the Ruhr district, for example. They are well illustrated by a petition addressed on April 4 of this year to the landtag by members of the municipal council of Freisenbruch. According to this document, pressure amounting to terrorism was employed in a recent city election. Mine operators seem to have been the worst offenders. One of these said in so many words to his employes: "I am authorized to inform you that you are to vote for Manager H———, and if you do not do so you will be discharged." Other operators confined themselves to the following somewhat less explicit threat:" If you do not vote for Manager H——— you will have to bear the consequences. Do not *forget*, however, that these may be serious."

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[1] From Dr. Robert C. Brooks.

As a result of abuses of this character, the councilmen of Freisenbruch ask the landtag to amend the municipal election law by introducing the secret ballot.[1]

IV. MISCELLANEOUS

The St. Louis Pageant.[2]—Without question the greatest civic spectacle the world has ever seen passed into history with the four performances of the Pageant and Masque of St. Louis, given at St. Louis, May 28 to June 1. Not only was the spectacle the greatest from the standpoint of size, but it was the most daring dramatic interpretation of the history and civilizing purpose of a great city ever presented. Its success was complete—far beyond the expectation of the community and even of its enthusiastic promoters. The five performances, in which 7,500 St. Louisans took part, were witnessed by between 450,000 and 500,000 people in the great natural amphitheatre on Art Hill in Forest park. The Saturday evening performance alone was witnessed by an audience of 125,000. The performances began each evening at 6.30 o'clock, and ran until 10.30, with a half hour intermission between the pageant and the masque. The pageant depicted the history of St. Louis from the days of the Indian mound-builders through the civil war. The masque vividly set forth the story of the struggle of civilization—the triumph of human over natural forces and of "love and imagination" over "gold." The story of St. Louis furnished the setting for the masque's symbolic drama.

But the underlying motive of the pageant and masque was not merely the production of a great, popular dramatic spectacle. From the beginning every effort was directed to arousing a new city unity out of the diversity of neighborhoods, races and interests of a great city of 750,000 people. How deeply that spirit has been aroused, the future of the city will show. But already the signs of a new determination were in evidence in the fight for the adoption of a new city charter on June 30. A permanent association for the promotion of civic drama has been already organized, and a movement launched to preserve as a national park the remarkable group of Indian mounds at Cahokia, opposite St. Louis, on the Illinois side of the Mississippi.

Practically every St. Louisan—man, woman and child—was reached by the appeal of the pageant—not only at the performances, but in the months of preparatory work, in the schools and churches, organizations, homes, in the factories and on the street—in the newspapers and in pageant literature.

The performance was the climax of a long process of knitting divergent groups of St. Louisans into bonds of unity.

The pageant and masque was great chiefly as a piece of democratic achievement. It was not handed down to the populace by the rich, or by business men. Its support, like its management, came essentially from the people as a whole.

The expense, $125,000, was met in part by popular subscription ($69,000) and in part by sale of seats, ($60,000) half of which were free at each performance and just as good as the other half not free.

A conference of the cities was held during pageant week, with representatives from all over the United States in attendance. The program dealt mainly with civic art and civic drama.

St. Louis has discovered a united city's power to do a big, idealistic piece of work.

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[1] From Dr. Robert C. Brooks.

[2] National Municipal Review, Vol. III, p. 401.

She is setting out now to put a new ideal to work for the welfare of all her citizens.[1]

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Results of the Strike of Municipal Employes in Leeds, England.—On December 17, 1913, a long, stubborn, and widespread strike among municipal employes was instituted at Leeds. It involved 4,434 skilled and unskilled men. The chief demand was for an increase in wages. Following the November elections, the circumstances of every workman in the Council's employ had been carefully considered by the committees responsible, and, as a result of that consideration, increases amounting to over £6,500 had been recommended to the council and adopted by that body; but this did not satisfy the men, who refused to listen to any suggestion of compromise or arbitration. The strike lasted a month, when the bulk of the men were reinstated. The settlement was a compromise in which some of the claims of the men were allowed.

So serious were the questions involved that the council, after the settlement, selected a special committee to report on the whole matter and make such further recommendations as might seem to be demanded by the situation. This committee has completed its labors, which are embodied in a quarto pamphlet of 148 pages. In submitting its recommendations, the committee expressed the view that the strike had shown the necessity for improved methods of dealing with wages, conditions of work, and hours of labor of municipal workmen. To enable such matters to be dealt with properly, the fullest information as to comparable work in other towns must be systematically obtained, as well as the conditions obtaining with private employers in the city, and also with trades unions, where standard rates have been established. It declared that the formation of a "commercial department" for obtaining and collating such particulars to be an absolute necessity. A similar arrangement in other cities would lead to a constant interchange of information. A "General Purposes Committee," to be appointed as one of the standing committees of the council, with power to act in regard to all the foregoing matters, was also recommended, such committee to be intrusted with the general arrangements as to labor in all departments of the Corporation. To enable this to be carried into effect it is deemed necessary that a "commercial manager" be appointed to carry out the work indicated. One important result of such appointment it was believed would be to eliminate casual employment, and to render permanent as far as possible the positions of men who are efficient under the corporation.

The recommendations of the committee involve a complete change in the accepted forms of council work. They are, however, the logical and inevitable result of the development within the last fifteen or twenty years of so many trading departments employing a large number of workmen, and the necessity of such a change is the distinct and unavoidable lesson of the strike. In the words of the committee, "the corporation, as a large employer of labor, has made no advance during the last twenty years in its methods of considering demands for altered conditions, except by the formation of the consultation committee, whose decisions were not final. Such matters need to be dealt with uniformly and on business lines.

These sundry recommendations, made by the committee which had had charge of city affairs, were carefully considered by the council and were duly adopted and confirmed. It was further determined that a general purposes committee be appointed and that the council delegate to such committee full power to deal with all matters arising out of or in connection with: (a) The appointment, control and dismissal of all workmen; (b) wages, hours and conditions of labor of all workmen; (c) the distribution and supply of labor to the various departments; (d) the reorganization of the cleansing and highway departments, and that the committee report monthly to the council for confirmation, and that only applicants who are found suitable shall be permanently engaged, and that in all cases where in the opinion of the general purposes committee the occupation for which they are applicants is of a dangerous nature the committee may require the applicant to be medically examined.

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[1] From Roger N. Baldwin, Secretary, St. Louis Civic League.

Moreover, Mr. Hamilton, the successful manager of the tramways, was appointed executive officer, an act which was heralded in some American papers as the appointment of a "city manager for Leeds." In a measure they were justified in so declaring, for, as the *Manchester Guardian* said, the "real master" of the general purposes committee will be its executive officer, who is also the tramways manager of Leeds. "This is Americanization of our municipal institutions with a vengeance. From America comes the idea of the omnipotent mayor, and though in Leeds his powers are being put into commission, the distinction is not essential." Nevertheless the Leeds plan represents but the smallest part of what is known as the American commission system. In the words of the *Municipal Journal*, London, "one of the latest manifestations of the commission method is that embodied in the charter of Dayton, Ohio, which was approved last year. Power is vested in a non-partisan commission of five, elected at large, in place of the ward council. The city manager, chosen to serve at the pleasure of the commission, is the administrative head of the government, appoints and fixes the salaries of his immediate subordinates, including the principal departmental and sub-departmental heads and their deputies, and is personally responsible for the entire administration of the city. His duties comprehend the supervision of departmental administration, the execution of laws and ordinances, the recommendations of legislative measures, the appointment of officers and employes, subject to the provisions of the civil service conditions, the preparation of reports, and the preparation of the budget. Mr. Hamilton, of Leeds, is a busy and an able man, but even he, we imagine, would find it difficult to carry out such duties as these in addition to those connected with his tramways managership. His functions as defined by the Leeds committee will be strictly limited, and his acts will be subject to the approval of the city council, which will continue to be chosen upon the basis of popular election."[1]

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Public Health Notes.—*Health week in England* is a far different affair than our American clean-up weeks. It has been carried on for two years past by the Agenda club, but the 1914 health week, November 15 to 21, will be in charge of a large and representative committee, appointed by the Royal sanitary institute [E. White Wallis, secretary, 90 Buckingham Palace Road, London, S. W., England]. The committee has already distributed several attractive and telling circulars. In one of these it says: "A 'health week' has an important function to perform in addition to the steady continuous work throughout the year. Both are needed. There is at present no driving force behind this question of health. Any cause which depends for its vitality and force upon public opinion must have something definite on which that public opinion may crystallize, some opportunity for focusing attention and rekindling the enthusiasm of its adherents. The immediate purpose of health week is to make health during the week the chief topic of public concern."

The plan proposed is to have local committees formed all over the realm, made up of "representations of every public body and private society which is in any way concerned with health and of every agency which plays an important part in moulding public opinion." The week's program includes sermons in churches and lessons in Sunday schools; lessons and addresses in day schools, with essays by children; health talks at factories, clubs, mothers' meetings, etc., and lectures in town hall and municipal buildings; lantern lectures and moving pictures; general cleaning-up days; visits to municipal works; demonstrations by boy scouts, girls' brigades; etc., etc. Two score subjects for lectures on personal and public hygiene are named. In 1912 and 1913 health week was observed in seventy cities, towns and districts.

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[1] From Clinton Rogers Woodruff.

Pure Milk is making gains all over the country. Public health reports[1] for May 15, 1914, contains a tabulation of bacterial standards in about 150 cities of the United States, having an aggregate population of about 21,000,000. Only a few years ago cities having bacterial standards were few and far between. The Housewives' league of Providence, R. I.,[2] after a fifteen months' campaign which is said to have disclosed much dirty milk and some graft, and after being defeated in the city council, secured state legislation which transferred the control of the milk supply from a political milk inspector to the superintendent of health, St. Louis, Mo., through its municipal assembly, has adopted a new milk ordinance [*The Survey,* May 16, 1914] which places the granting and revocation of milk permits in the board of health and, besides other sanitary requirements, provides that after one year from date all milk sold in St. Louis must either be from cows [dairies?] which have been inspected and approved by the board of health or else must be pasteurized by the "holding method."—The supreme court of Illinois[3] has upheld a provision of a Chicago ordinance which requires milk to be pasteurized and lays down conditions of pasteurization.[4]

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Stuttgart Exposition on the Care of Health.—During the present summer an exposition on the care of health has attracted many visitors to Stuttgart. In some respects this exposition resembles the hygiene exposition held at Dresden in 1911. At Stuttgart, however, an effort was made to emphasize not so much the public side of sanitary effort as the fundamental need of the personal care of health. Such subjects as clothing, food stuffs and food values, infectious diseases, housing, care of children, and industrial accidents received special attention. In the popular section of the Exposition the following divisions were represented: Basis and phenomena of life; menaces and protection to life; special circumstances in life; life in communities. The divisions of the scientific section were as follows: bacteriology, pathology and infectious diseases, with special attention to tuberculosis; labor, exercise, statistics, race hygiene, alcoholism; building and housing, streets, removal of waste; water supply, light, heat and ventilation; food supply, meat and milk supply; bodily care, care of sick and invalids, life-saving, methods of burial; army and transportation; hygiene of children, school hygiene, hygiene in factories, trades and professions; insurance and welfare installations; and an historical display.

*

A Tax on Cats was recently proposed in the municipal council of Radebeul owing to the increase in the numbers of the felines and their depredations upon bird life. It was finally decided not to impose the tax, but the city authorities were ordered to procure traps with which to catch the cats.

*

Unemployment in Breslau.—The city council has appropriated 3,000 marks for the actuarial and preparatory work of a commission appointed to draw up a system of municipal insurance against unemployment. It is assumed that the lines of the municipal unemployment insurance scheme recently established in Cologne will be followed in Breslau. The commission in the latter city is to be composed of three liberal, three conservative-clerical, and two socialist members of the municipal council.

*

Houses for Families.—The problem already acutely felt in some American cities of finding housing accommodations for families with children is also present in Germany where it is receiving municipal attention. In Düsseldorf the city council recently guaranteed a loan made to a local savings and building association by the insurance establishment of the Rhine province. With the funds thus advanced the savings and building association is to erect dwellings. In return for the guarantee of the loan by the municipality the association obligated itself to rent one-fourth of its dwellings to families with small incomes and more than three children. It already owns houses sheltering 649 families with more than 2,000 children.

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[1] U. S. Public Health Service, Washington, D. C.

[2] *The Survey,* New York City, April 4, 1914.

[3] *Koy* v. *Chicago,* February, 1914.

[4] From M. N. Baker.

⁂

Training Girls to be Housewives.—The failure of former shop and factory girls as wives and housekeepers is often commented upon by American social workers. In this connection it is interesting to note the establishment in Leipsic of a compulsory continuation school for unmarried women employed in industry. According to the regulations provided for this purpose by the municipal council all unmarried women who have finished the public schools and who live, or are employed in industrial, mercantile or other establishments in Leipsic are compelled to attend this continuation school for three years. Even unemployment is not accepted as an excuse for failure to attend the school. Housekeeping is the central subject taught, although instruction is also to be given in industrial and general subjects. The number of hours of instruction ranges from four to six per week. In addition to the compulsory features of the school, provision is also made for voluntary attendance on the part of girls living at home or in service.[1]

⁂

Regulation of Billboards in Denver.—In April, 1914, a new billboard ordinance was passed in Denver. By its terms, a tax of one-half cent per square foot annually is levied on every billboard, electric and wall sign in the city. All signs placed on the roofs of buildings are restricted to ten feet in height and must be placed at least three feet back from the cornice of the building. Further, no billboard or sign may be allowed within 300 feet of any park and none shall be placed along any boulevard or parkway. Approximately $3,000 will be received annually by the city from this tax levy. In addition, the ordinance compels everyone entering the billboard business to obtain a license carrying a fee of $500. This license does not apply to anyone in business at the time of its enactment.

⁂

Inspection of Amusements in Denver.—Denver acquired a "morals censor" in February 1914. Mrs. Margaret D. Conway was appointed to the office with the title of "special inspector of amusements." She assumed the duties of her office on March 2. Hotels, cafes, restaurants, theaters, moving picture shows, and public dance halls, together with any other agencies affecting the moral welfare of children, are subject to her inspection.

⁂

Municipal Motion Pictures.—Upon the recommendation of Dwight F. Davis, the public recreation commission of the Municipal Assembly of St. Louis, appropriated $2,000 for an eight weeks' season of free municipal moving pictures in the parks and playgrounds of that city. A contract was let with a motion picture company at $150 per week, they to furnish the machines, booth, movable screen, films and other appurtenances needed, and to move the same from place to place as directed. The films are chosen by a representative from this department and are changed weekly. The general policy so far adopted in selecting films has been to have one of the current weekly films—one travel film, one popular film either comic or drama, and one nature film, such as the animals in the Zoo, and one industrial film, the effort being to keep the educational purpose predominant, but not "too high-browed," to use the Commissioner's apt phrase.

There is a circuit of fourteen parks and playgrounds, with performances every night including Sunday, so that each park gets a performance once every two weeks.

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[1] From Prof. R. C. Brooks, Swarthmore College.

Probably next year, with the entire season, the circuit will be changed to take in all the parks and playgrounds. The plan has proved very popular, the number of spectators averaging 7,000 a performance.

The appropriation was made too late to work out any particular new features, and the efforts will be confined to films already made, such as "Safety First," "Fly," "Tuberculosis," and others well-known educational reels. Commissioner Davis believes this plan has very great possibilities and expects to work it out in a broader way for next season.

⁂

British Municipal Statistics.—The London County Council, in co-operation with the municipal authorities of fifteen other large cities of Great Britain and Ireland (including Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, Sheffield, Cardiff, Swansea, Aberdeen, Dundee, Edinburgh, Glasgow, Belfast, and Dublin), propose to issue in the autumn of 1914 the first volume of comparative municipal statistics on lines similar to the statistical publications of several continental countries. Since there is no general law requiring uniformity of municipal accounts among British cities, it has been necessary for the cities in question to agree upon a uniform basis for compilation.

⁂

Meetings.—*Union of Canadian Municipalities.* An interesting feature at the fourteenth annual convention at Sherbrooke (Quebec) was a testimonial to the Hon. William D. Lighthall, K. C., F. R. S. C., who has been the efficient honorary secretary from the beginning and who has become by reason of his service, one of the big municipal factors in the Dominion. Mr. Lighthall is one of the two Canadian members of the council of the National Municipal League. Another interesting feature was the report of the secretary of the International Municipal League, which was inaugurated by the Canadian union two years ago.

The Union of Canadian Municipalities is composed of the provincial unions of Ontario, Quebec, Manitoba, British Columbia, Alberta, Saskatchewan, Nova Scotia, New Brunswick, Prince Edward Islands. Its official organ is *The Canadian Municipal Journal.*

The Ontario Municipal Association, the secretary of which is F. S. Spence, the other Canadian member of the National Municipal League council met in Toronto, September 2 and 3.

The City Planning Conference also met in Toronto in May,[1] making the third of the national bodies to meet on Canadian soil, thus emphasizing the truly international character of their work and the identity of interests. This meeting will be covered in the notice of its published proceedings. The sessions were opened by H. R. H. the Duke of Connaught, now the Governor-General of Canada.[2]

⁂

Ohio State Civil Service Organization.—Ohio has joined the list of states which have established state-wide organizations for the promotion of civil service reform. At a meeting in July, in Columbus, of the representatives from the various sections of the state, an organization known as the Ohio civil service organization was perfected for the purpose of promoting the principles of the merit system and securing an honest and efficient enforcement of the state and local civil service laws. Charles B. Wilby of Cincinnati, who has been one of the leaders of the movement for many years, was made president. Mayo Fesler, secretary of the Cleveland civic league who framed the Ohio state civil service law, was made secretary.

The immediate task before the organization, as indicated by the resolutions adopted, is to protect the present state-wide law from unwise amendments which may be suggested at the next session of the legislature.

Ohio in 1912 adopted a constitutional amendment providing for the merit system in appointments and promotions in the service of the state, counties and cities; laws have been adapted covering all positions in the service, and the state commission and a majority of the local commissions are making progress in placing the service on the merit basis.

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[1] See Andrew Wright Crawford's article "Certain Aspects of City Financing and City Planning," Vol. III, page 474.

[2] The next meeting will be in Detroit.

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The American Civic Association, which was organized at St. Louis in June, 1904, will hold its Tenth Annual Convention at the Willard Hotel, Washington, D. C., December 2, 3 and 4. The approaching convention will be of unusual interest as an anniversary occasion. It is expected there will be present many of the charter members of the Association. The Secretary of the Association is Richard B. Watrous, 914 Union Trust Building, Washington, D. C.

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Edward W. Bemis, public utility expert and former professor of economics in the University of Chicago, has been appointed by Mayor Harrison to be the representative of the city of Chicago on the board of supervising engineers, which board is made up of representatives both of the traction interests and of the city and is constituted for the purpose of bringing about a "continuous" solution of the traction problem. Dr. Bemis has in recent years been engaged on the public side in the settlement of utility complications in Des Moines, Indianapolis, Chicago, St. Paul, and Minneapolis, and at present has under way an appraisal for the city of Detroit of the property of the United Railways.

⁂

Arthur P. Will has been appointed chief of the newly created California legislative council bureau, the purpose of which is to assist legislators and public officials generally in research work and in the preparation of legislation along scientific lines. Writing in the *California Outlook* concerning this appointment Meyer Lissner says: "Mr. Will comes to the office with an unusual equipment. He is a first-class lawyer of the 'office lawyer' type, and has been the editor of the Encyclopædia of Procedure and other law books and a lecturer at law schools. Mr. Will hails originally from New York, and before coming to California his services were availed of in connection with some of the government's anti-trust legislation."

⁂

Allen T. Burns. After five years of service as secretary of the Pittsburgh civic commission (now disbanded), Allen T. Burns has been made director of the Cleveland social survey, to be carried on under the auspices of a committee of five representative citizens and financed by the Cleveland Foundation and planned as a five year undertaking. Mr. Burns will begin his work, according to *The Survey*, in the fall, making first a brief preliminary study of general conditions with a view to deciding the main lines of investigation to be followed later. Prior to 1909, when Mr. Burns went to Pittsburgh, he had been in industrial Y. M. C. A. work in Chicago and assistant warden of Chicago Commons.

The Pittsburgh Civic Commission has to its credit the preparation of the elements of a city plan for Pittsburgh in the shape of a comprehensive report of thoroughfares by Frederick Law Olmsted; and enlisted the city administration in commissioning Bion J. Arnold in making an intensive study of traction developments. It co-operated in movements for revolutionizing the tax system, for a new charter, for budgetary and administrative efficiency in the municipal departments, for adequate housing laws and a health code.

DEPARTMENT OF REPORTS AND REVIEWS

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1. REVIEWS OF REPORTS

Housing in Six Cities.[1]—As the basis for this review, there have been selected the reports on housing conditions in six American cities, each of which may be regarded as typifying the cities of its section. These are Cambridge, Mass.; Philadelphia; Richmond, Va.; Los Angeles, Cal.; Grand Rapids, Mich., and Cleveland, O.

Of course the word "typifying" must not be strictly construed. There are differences patent to every observer between cities that lie within a few miles of each other, but also there are usually important points of resemblance. A certain style of building obtains over a wide area, a style which is strikingly different from that in another area. The three-decker of New England is an abomination in the eyes of the Philadelphian, whose little box-like row house does not appeal at all to the Bostonian; and different from both are the detached houses of the middle west and the court houses of southern California. Nor need it be said that the six cities do not represent *all* the styles in American housing—New York's six-story row tenements, for instance, are scarcely hinted at; nor that individual examples of many different types may be found in a single city. Yet with all these different styles of housing investigators discover in each city much the same evils.

Here it is necessary to interject one observation. These reports deal chiefly with bad housing conditions. They represent the beginning of the housing movement—even though it may be several years old in one or two of the cities. Their purpose is to call attention to facts which are not generally known, or the significance of which is not generally appreciated. The first result hoped for, that on which most attention is concentrated, is the cure of ills that result from general ignorance, or from the unrestrained greed of landlords, or from the indifference of tenants, or from the inefficiency of public officials, or from several or all of these combined. The reports are designed to awaken an uninformed community to a realization of the facts. So, except incidentally, they do not deal with the question of what is the best type of house. Their writers, seeing the immediate need, set themselves to that. Lack of light, decent toilet facilities, an adequate supply of water, the possibility of some privacy within the dwelling, protection against fire, these are what call for action at once. Minimum standards assuring these must be set for all dwellings, of whatever type they may be. Setting such standards, however, will inevitably have an influence upon the type of dwelling hereafter erected, for some types—such as the flimsy, wooden, barrack tenement that fills its lot—are possible only because health and safety and decency were disregarded.

Once fair standards for the fundamentals have been set, once the community has come to accept these as necessary in every dwelling, interest in the superiority of one type of house over another will increase. This interest has, of course, already begun; but as it deals with complex social problems—family life, recreation, city planning, to mention only a few—the natural point of attack is obviously against bad conditions now existing as to whose badness there can be no difference of opinion. So we find near the beginning of the Cambridge report this statement: "A housing problem may be said to exist wherever persons dwell under conditions dangerous to health, safety and morality."

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[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 68, Vol. III, page 484.

Cambridge during the past few years has become in increasing degree a three-decker city. It has even a few tenements of greater height and area which shelter many families. Confining its attention to the fundamentals, however, the report says:

> The housing problem of Cambridge is somewhat less serious than that of most large American cities chiefly because Cambridge is provided with complete sewerage and water systems; the fact that lots are generally large and the houses seldom over three stories high, renders crowded buildings and darkened rooms comparatively rare. Yet the following pages show that despite these advantages Cambridge has a housing problem which is at once serious and unnecessary. The problem is by no means confined to the areas here reported. The association has secured scattered records of fire risks, defective sanitation, dark rooms and halls, basement dwellings or unclean premises in almost every ward of the city. Under an inadequate building code combustible high apartment houses with dark halls and insufficient means of escape in case of fire are still being built. The continuous influx of immigrants aggravates the problem of maintenance of dwellings. The following report may be considered fairly representative of the industrial quarters of the city.

Then follow the details of the investigation which show the cosmopolitan character of the population—nineteen nationalities, including Italians, Jews, Poles, Lithuanians, Irish and colored; the dirt and squalor in many of the dwellings, the dark rooms and halls, their basement dwellings, their scant provision for privacy, the abominable toilet facilities used by several families in common—yard closets or broken down water closets located in dark corners or cellars where ventilation is impossible and cleanliness next to impossible—the lack of water or sources of supply which are in constant danger of contamination. Such is a condensed summary of conditions found by the Cambridge housing association. Of course these conditions are not general, but the shame is that they exist at all. That they may cease to exist the association recommends an increase in the number of sanitary inspectors, an enlargement of the powers of the board of health and a revision of those provisions of the building code which deal with the construction of new buildings, especially tenement houses.

Going from Cambridge to Philadelphia we find an organization, the Philadelphia housing commission, several years older than the Cambridge association. Moreover we find a city composed in much larger proportion of single family houses. Yet there too the emphasis must still be laid on unsanitary conditions due to ignorance and neglect in the past.

> On 1,180 properties, 1,361 actual conditions were found of sufficient importance to justify the commission in reporting them to the city authorities. On a more extended investigation of 5,930 properties, 5,974 conditions were found amenable to law, many of which were a serious menace to health. On these same properties there were 4,022 conditions of a similar nature, but not amenable to law or impossible of correction through a lack of sewers. The presence of these defects, if typical for all the areas of deterioration, would mean that there were at least 100,000 conditions prejudicial to health and safety in the city.

Some of these defects were of long standing. One cellar drain had been discharging muck on the cellar floor for more than a year. Another cellar had been receiving the seepage of a privy vault for several months. Cellars were discovered where water had been lying stagnant for five years.

Perhaps the worst single feature in Philadelphia was the number of houses in closely built sections of the city—and Philadelphia knows how to pack its little houses closely—without any sewer connection available. An investigation by the commission disclosed 1,910 properties without sewer connection, while 3,336 retained the privy vault, 1,598 of which had foul and full vaults at the time of inspection. Of these properties, 1,004 were not sewer connected because the city had failed to lay sewers in contiguous streets. The bureau of surveys reported that approximately twenty-five miles of built-up streets between Vine and Oregon avenue and the two rivers, that is eight per cent of the area of the city where twenty-two per cent of its population live, were without sewers. Partly in consequence of this investigation and the publicity attendant thereon, the city appropriated within one year $1,450,000 for sewer construction.

Another consequence of this investigation and of other work by the commission was the enactment of a housing code which considerably raised the minimum housing standards of Philadelphia.

Richmond resembles Philadelphia more closely than it does Cambridge, but Richmond is in danger of losing its character as a single-family house city. Not only has it a considerable number of two-family houses, but it is permitting the erection of so-called "apartment" houses that overcrowd their lots and promise for the future the evils of the tenement. Yet, except in these cases, there is very little land-crowding in Richmond at present, and even room-crowding does not seem to have reached serious proportions. In fact the average is fairly good, four rooms per family among the whites and 3.2 among the negroes, while the average number of occupants per bedroom among the whites is 2.5 and among the negroes 2.1.

The danger in Richmond is that the deep lot, of which at present only a small proportion is occupied by a single-family house, may become the site of an "apartment" house similar to those already erected. Then Richmond will have land overcrowding with a vengeance. The present housing ills of Richmond are the familiar ones: lack of proper toilets, lack of proper water supply, and, in lesser degree, lack of proper lot drainage. The report adds that the greatest need at the present time is the building of modern dwellings to replace the thousands of ramshackle houses that are unfit to live in. But with these modern houses must be supplied sewers and water. Perhaps the emphasis might have been better placed had the writer of the report said that the greatest need at the present time is a housing law which would condemn dwellings unfit to live in and would assure that new dwellings provide the fundamentals. For in another paragraph he states:

> There are no regulations concerning land-crowding. An apartment or tenement house may cover every square foot of the lot on which it is built [he might have added that some of those recently built come very near doing this] leaving no yard or court for ventilation, and it may be built to any height. There are no restrictions concerning the size of rooms in such houses, no provision for lighting and ventilating halls, or for the adequacy of the water supply and of water closet accommodations.
>
> In dwelling-houses of three or less families, there are no requirements whatever concerning light or ventilation, and a landlord may provide as many dark rooms as he chooses.

In view of these statements it would seem that the Society for the improvement of housing and living conditions in Richmond has a task ready to its hand.

Swinging far around the circle we come to Los Angeles, the city with a gilt-edged climate—see advertisements. Los Angeles has been aware for many years that it has a housing problem. As usual, it began the attack where the abuse was greatest. What the barrack tenements are to New York the house courts are—or perhaps it would be fairer to say were—to Los Angeles. These courts are passageways leading from a street and lined on either side with little dwellings. The old dwellings against which the Los Angeles housing commission—a branch of the city government in this case, not a volunteer organization as in the other cities mentioned—was organized to wage war were of motley construction. Some were made of odds and ends of boards and boxes and pieces of tin. One or two were nothing more than a double line of old freight cars. The toilet conveniences were those which sufficed aboriginal man before he began to live in cities. Water supply was less than haphazard.

So the housing commission confined its attention to house courts. And it has done effective work. The worst of the old courts have been demolished—ninety-four of them within a single year. So standards are being raised. New courts are not only better built, but they provide more rooms per family and they provide fairly adequate water supply and toilet facilities.

This type of dwelling appears to be peculiarly fitted to southern California—though there seems to be no reason why it should not be adopted in other parts of the country—so it is encouraging to find that with the rising standards goes an increase in the number of such dwellings. Within nine months 409 new house courts were erected. At the time the latest report was issued there were 621 of them containing 3,671 habitations and 9,877 inhabitants. These courts, which make possible the economic development of deep lots without resorting to the tenement or barrack, are now being used not only for the poorer people, but also for the fairly well-to-do. The passageway from the street is made wide enough not only for the walk but also for strips of lawn flanked on either side by attractive little cottages containing three to five rooms and bath.

In spite of this encouraging increase in a good type of dwelling, the tenement house began to cast its threatening shadow over the city. The housing commission being confined to house court abuses, the barrack dwelling grew without restraint. Hints from outsiders that such neglect was preparing the way for greater evils than those so successfully combated finally directed attention to this new danger. A tenement house law had been passed by the state legislature, but it went practically unenforced until last year when the commission was made a bureau of the health department and its powers extended. The next report should give a more nearly adequate picture of housing conditions throughout the city.

Last is the report from Grand Rapids. This is based upon an investigation made under the direction of the housing committee of the Social welfare association. It showed that on the whole the housing of Grand Rapids is unusually good; but there, as everywhere, are the familiar bad conditions. There are some tenements, especially on business streets, where the ground floor is used for stores. This is inevitable. There are dark rooms in these tenement blocks, which is not inevitable. Then there are, as elsewhere, yard privies, yard water closets that freeze in winter and are inconvenient of access both summer and winter, there are insanitary toilets inside the houses, there is common use of toilets which always makes against decency and cleanliness, there is lack of convenient water supply, there is even some land overcrowding—rear houses which occupy the backs of deep lots.

Grand Rapids too has a cosmopolitan population—Hollanders, Germans, Poles, Italians, Syrians. Perhaps it is due to the large proportion of the first-named that it is still so predominantly a small house city, for the Hollander prefers to live in his own house rather than to crowd his family into a tenement. But even the other nationalities, which in other cities we find herded in barracks, here live in detached cottages or in the old houses of a previous generation surrendered to them without alterations which would convert a single family house into at least a sanitary dwelling for several families.

Yet, good as conditions are in the main, despite the instances to the contrary quoted above, there are evidences in plenty that new and lower standards were beginning to obtain a foothold. To its credit the city has recently built a filtration plant for its water supply and city water is being substituted for that of wells, it is extending its sewer system and abolishing privies. But at the same time it has permitted the construction of multiple dwellings in increasing number which do not provide adequately for light and air nor protect their inhabitants adequately against fire. It has even permitted the erection of wooden multiple dwellings on alleys, buildings that fill their lots almost from line to line and so are doomed to be dark and airless if similar buildings are erected next door. This in addition to the abuses always connected with the hidden alley dwelling.

The publication of the Grand Rapids report was followed by an agitation for municipal regulation that would wipe out existing abuses and prevent their recurrence in the future. A housing council was appointed by the mayor which contained the original housing committee, representatives of other civic and social organizations and city officials. The council held public hearings for several months and finally drafted a housing code based upon Veiller's model law, which was enacted by the common council last February. This is at present the best housing code in America.

The Department of Public Welfare of the City of Cleveland has published as the first of a series of monographs a 34 page illustrated pamphlet by Miss Mildred Chadsey on the housing conditions of Cleveland's workingmen. Miss Chadsey is chief of the Cleveland bureau of sanitation and probably has a more thorough knowledge of the subject on which she writes than any one else in her city. No one who reads her pamphlet can escape the conviction that she knows many things more than she has told, perhaps enough to fill the proverbial book.

Cleveland is one of our most interesting cities; growing, prosperous and wide awake not only to business opportunities but also to opportunities for social advance. So this brief report on the best, the average and the worst of its housing for wage-earners has a value for others than Clevelanders. It paints clearly and forcibly a picture which shows us what we can have and what we shall have if we make no effort. It would pay other cities to measure themselves by Cleveland and learn whether they can equal its best and whether they do not exceed its worst.

John Ihlder.[1]

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Australia's Interest in Housing.—Australia has taken the place in the modern world that Africa held in the ancient, as the continent from which new things come. In housing, if one may judge from the "Report of the Commission of Inquiry into the Question of the Housing of Workmen in Europe and America," recently issued by the government of New South Wales, Australia admits its need of learning from others. The report is admirably presented, the matter interesting and instructive, the text clear and well illustrated by pictures and maps showing existing conditions in Sydney, the metropolis of New South Wales, and some of the best housing work in Germany, England and the United States.

The author, Prof. Robert Francis Irvine, M.A., of the University of Sydney, necessarily suffered from the limitations of being only a single individual whose stay in the countries described was limited. So he could see only a part of the work that is being done and was forced to accept his understanding of the opinions of the comparatively few persons he met. These are limitations to which all visitors are subject. If he, therefore, gives undue prominence to New York City as representative of the United States, the lapse is forgivable; for, with the worst conditions in the country to work on, New York has made the most progress in improving those conditions, and so is most likely to attract the stranger's attention. Fortunately, however, New York, with its solid rows of six-story tenements, is not typical. Much more nearly so is Chicago which has reduced the height to three stories and, in its newer areas, is becoming more and more a city of one- and two-family houses.

The report begins with a discussion of the housing problem in the abstract and quotes with approval the words of one of our American students, Dr. James Ford of Harvard, as describing the purpose behind our efforts. It deals briefly with the causes and effects of housing conditions today, then takes up the general trend of housing legislation, housing by the state, municipal housing, housing by industrial companies, housing by associations, copartnership housing, garden cities and the housing problem, block dwellings and tenement houses versus cottages, the possibility of building good houses cheaply. Town planning as a preventive of future evils, and ends with a discussion of housing policy and recommendations.

The pictures and maps used to illustrate the descriptions of work in Europe and America are familiar to all of us who have read much housing literature, but those which illustrate present conditions in Sydney furnish at least a mild surprise. They are so like pictures taken in the poorer districts of many American cities that only two things assure us they really represent scenes in the antipodes. One is the titles, the other that the streets are so often narrower even than our alleys. Only the *cul de sac* courts of Philadelphia evidence so economical a turn of mind as these thoroughfares in the metropolis of the newest continent.

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[1] Field Secretary, National Housing Association.

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Taxation Reports.—During the past year only a small number of permanent state tax commissions made formal reports. On the other hand, the papers and proceedings of voluntary tax-reform associations and of conferences of tax officials have been unusually numerous and valuable. The subject matter of these reports is, of course, too diverse to admit of comprehensive summary. But the following topics, which were more frequently and more instructively discussed, are worthy of notice: (1) The reform of the general property tax; (2) the increase of government expenditures; (3) tax administration; (4) local option in taxation; (5) discriminatory taxes on land values; and (6) the taxation of public service corporations.

Perhaps the best short discussion of the general property tax is to be found in the report of the Massachusetts tax commissioner. In Massachusetts the state apportioned property tax is increasing more rapidly than the total of assessed property. Hence, the inequalities of that tax become annually more glaring. There is no indication that the rapid increase of state expenditures will cease in the near future. Relief measures are, therefore, imperative. The commissioner does not believe that relief can be obtained solely by stricter assessment laws, even though the attempt is made to provide for better administration. Hence, it will be necessary to eliminate the provision for uniformity in the existing tax legislation and to provide independent sources of state revenue.

At the Conference on Taxation in Indiana, held at Bloomington last February, a somewhat different view of the matter was taken. Although the conference did not commit itself to any particular plan of reform of the general property tax, a majority of those who read papers or engaged in debate agreed with the contention of the Massachusetts commissioner in holding that one of the first steps in bettering tax conditions is the abolition of laws requiring rigid uniformity. But, on the other hand, a majority asserted that a not less important step in achieving reform is the establishment of strong central control of local assessment.

In both of the above reports there is much incidental comment on the problem of increasing expenditures. More elaborate examination of that subject may, however, be found in the papers read at the 1913 meeting of the National Tax Association and in a recent "Special Report" of the Idaho Tax Commission. The latter presents in statistical array many valuable facts concerning the detail of public expenditure and public indebtedness in Idaho.

Problems in tax administration were discussed principally with relation to two topics: (1) Central supervision of local assessments, and (2) the technique of the assessment of real estate. In a paper read before the conference on taxation in Indiana, Commissioner Link, of that state, pointed out the weakness of any system of tax administration that, like Indiana's, requires a central commission to "see that all assessments within the state are made according to law" (at full value), without at the same time empowering them to appoint, remove, and discipline the local assessor. The local assessor is usually more inclined to serve his influential constituents, whose interests are frequently at variance with those of the state at large, than he is to obey the regulations of the state tax commission. If the commission is to bring about real equality between localities it must have the power to control the local assessor and the initial assessment.

The technique of assessment received attention in nearly all reports. Especially valuable is a small pamphlet entitled "How to Assess Property in Cities and Rural Towns," published by the Wisconsin Tax Commission. It is prepared by Mr. Cowles and Mr. Leenhouts, assessors of incomes in Wisconsin. According to Mr. Cowles the first requisite for an accurate full-value assessment of urban real estate is a thorough knowledge, on the part of the assessor, of the legal definition of property subject to taxation; the second is the provision of intelligible assessment blanks and an accurate tax map; the third, the use of some well-recognized rule for calculating the site-value of lots of varying depth after the front-foot value of the block has been ascertained; and fourth, the use of a depreciation table in ascertaining the value of buildings. Both in this pamphlet and in the report of the National tax association are to be found explanations of rules for calculating the value of lots of varying depth.

All these aid for assessors can be made use of by the official in the rural towns. But they are of less value than when used in assessing urban property. According to Mr. Leenhouts the assessor of rural real estate needs accurate tax maps, elaborate assessment blanks, and depreciation tables, but he must pay a great deal of attention to the peculiarities of each tract of land. It is imperative that he first classify, according to use, all the land in any tract before he proceeds to assess it. Unit, or per-acre, values should be established by reference to records of sales, by consultation with real estate experts, by public hearings, and by examination of the testimony taken by the board of review in previous years. These unit values should, however, be applied with caution.

What is perhaps the best recent summary of the arguments for and against local option in taxation appears in the "Transactions" of the Commonwealth Club of California for May, 1914. At the next general election six constitutional amendments dealing with taxation will be presented to the voters of California. These amendments provide: (1) For exempting the property of colleges from taxation; (2) for exempting shipping; (3) for the abolition of the poll tax; (4) for granting to local units the right to exempt certain classes of property from taxation; (5) for limiting to tax-paying electors the privilege of voting on bond issues; and (6) for the taxation of the property of counties and cities outside their boundaries. The first three of these proposed amendments would provide for further constitutional limitation of the objects of taxation. The fourth empowers the localities to introduce such limitations as they see fit. It is impossible to summarize briefly the arguments advanced for and against the local option amendment. No essentially new arguments were discovered either to support or to attack the proposition. It is interesting to note, however, that all sides admitted that a probable consequence of the passage of such an amendment would, in many counties, be the introduction of exemptions on such a large scale that only land and franchises, which legally may not be exempted, would remain taxable.

Further discussion of proposals to impose heavier burdens on land may be found in the papers read at the 1913 meeting of the National Tax Association. The recently introduced scheme for the partial exemptions of buildings in Pittsburgh is admirably explained in Mr. Shelby M. Harrison's "The Disproportion of Taxation in Pittsburgh." Beginning in 1860 a system of classification of lands was established in that city which gave the large landowner every incentive to withhold his property from productive use and at the same time discriminated against the owners of small homes. All the real estate in the city was divided into: (1) "agricultural" land, which paid one-half the rate prevailing in the ward in which it was located; (2) "rural," which paid two-thirds the prevailing rate, and (3) "full city," which paid the full rate. In the perverted form in which it existed in 1910 this classification permitted tracts of undeveloped land located near the heart of the city to escape with a payment of one-half the rate imposed upon surrounding improved property. Residential property in the best districts was frequently classed as "rural" because the owner had devoted a large part of the area to lawns and ornamental trees and shrubs. While these partial exemptions were permitted to the larger and wealthier landowners, lands in the poorer districts were taxed at the full rate. These inequalities were aggravated by the fact that the cost of maintaining the common schools is localized. Each sub-district bears the cost of its schools. Hence the burden of the school tax was very great in the more populous parts of the city and very light in the business and better residential sections. Taxation for school purposes varied from .17 to 15 mills on the dollar of assessed valuation. The discovery and publication of these facts resulted in the passage of laws that have now abolished the classification scheme and will, within a few years, bring about the taxation of improvements at one-half the rate imposed upon site-values.

A most important document dealing with the taxation of corporations has recently been issued by the United States Bureau of Corporations. This is a volume of some four hundred pages designed principally to summarize and to bring up to date the bulletins on corporation taxation previously issued. Much new material has, however, been added. One chapter deals with the decisions of state and federal courts interpretative of tax laws; another summarizes recent reports of tax commissions and gives the essential facts concerning the organization and powers of permanent state commissions; and a final chapter presents in condensed form legislation and constitutional amendments for 1912.

Excellent analyses of some specific problems in corporation taxation are to be found in the 1913 report of the National tax association and in the report of the New York conference. In the latter, Commissioner Sullivan of New York presents a critical analysis of the New York system. In the former, Mr. Randall J. LeBoeuf criticises the present method of taxing corporations in that state. Of wider interest and application is the "Report of the Committee on Taxation of Public Service Corporations," which was made to the National tax association. This report, written by Professor Charles J. Bullock, deals with the problem of equalizing the taxes levied upon public service corporations as compared with other property. The report first summarizes the practice of the different states. It then deals with three theories about the necessity for equalization, which are discussed in some detail. First is the theory that, since public service corporations hold franchises of great value, they should be subjected to higher taxes than other concerns, in order that the state may regain a portion of the value of the franchise or participate in the monopoly profits that such corporations are supposed to earn. But this theory becomes untenable as soon as the state begins to regulate the charges of these concerns. The second theory assumes regulation, but holds that such regulation makes equalization unnecessary. Thus, it is said, if the corporation is under-taxed the regulatory bodies will compel a reduction in rates or a betterment of service, and the public will gain indirectly as a result of low taxation. If taxes are too high, charges for services will be higher, and the state will then be employing the corporation to collect a part of the taxes that must be paid by the consuming public. But this theory neglects the problem of securing equality between consumers and taxpayers; for it cannot be assumed that the taxpayers and the consumers are the same persons. It is not equitable, therefore, to compel the users of the service to pay amounts that should be collected from the taxpayers. The third theory, which is approved, holds that the taxation of public service corporations should be governed by the general rule of equality. But real equality means similar treatment for all properties and businesses similarly situated and of essentially the same nature. Hence, the rule does not preclude, but rather demands classification of property for purposes of taxation.

In addition to these reports and papers

there are many incidental references to the taxation of public service corporations in the reports of permanent tax commissions. F. B. GARVER.

Leland Stanford Junior University.

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Municipal Statistics.—*Financial Reports of Statistics of Cities Having a Population of over 30.000, 1912.* United States Census Bureau; 1914.

Sixth Annual Report on the Statistics of Municipal Finances. Massachusetts Bureau of Statistics, 1914.

Laws Relating to Municipal Finances, Municipal Bulletin No. 6. Massachusetts Bureau of Statistics, 1914.

A commendable sign of improved efficiency in these official compilations of municipal statistics is their earlier appearance after the period covered. The preceding reports of the Census and Massachusetts bureaus appeared late in 1913, and were renewed in the April number of this journal. The present census report covers the fiscal year 1912; and the Massachusetts report covers fiscal years ending from November 30, 1911, to March 15, 1912.

The general plan of these reports has now become well established, and varies little from year to year. A novel feature in the present census report is a table giving data as to the organization of city government—the number of members and character of the legislative body, and the terms and salaries of certain officers. Forty-eight of the 195 cities of over 30,000 population had bicameral councils, in forty-seven of which one house was elected by wards, and in thirty-seven both houses were elected by wards; 102 cities had single chambered councils, fifty-seven of which were elected by wards, ten at large, and thirty-five by both methods; forty-five of these cities had commission government in 1912, and this plan has been extended to twenty-four others since that date. In seven of the nine cities of over 500,000 population, the mayor is now elected for a term of four years; while in the smaller cities, a two-year term still prevails.

In the introduction to the Massachusetts report, it is noted that fifty-nine cities and towns in that state have petitioned the bureau of statistics for an audit of their accounts or the installation of an accounting system—twenty of these since the preceding report. This includes municipalities ranging from Gosnold, with a population of 152, to Lowell, with a population of 106,294.

A comparative statement of valuation and current revenue and charges in the thirty-three cities of Massachusetts for 1907 and 1911 shows the largest increase of valuation and charges for Pittsfield (57.8 and 44.3 per cent), while the largest increase in current revenue has been in Beverley (49.4 per cent). For the thirty-three cities, valuation has increased 13.9 per cent, current revenue 23.7 per cent, and current charges 13.5 per cent. In 1907, the aggregate current charges were nearly $1,766,838 more than the current revenue; in 1911, the current revenue was 3,618,479 more than the current revenue. This is a remarkable improvement in financial condition, for which the publication of comparable statistics by the state bureau may claim some of the credit.

J. A. F.

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Some Chicago Reports.—GEORGE E. HOOKER: *Through Routes for Chicago Steam Railroads.* The City Club of Chicago, 1914.

A Study of Rapid Transit in Seven Cities, Municipal Reference Library, Bulletin No. 3.. Chicago, July, 1914.

Preliminary Report, by the Chicago Municipal Markets Commission. April 27, 1914.

These reports have to do with various aspects of the problem of local transportation and distribution—the first two with reference to passengers, the third with reference to food supplies.

Mr. Hooker's study is a further discussion of the question of steam railroad terminals in Chicago; and emphasizes the importance of linking the various railroads so as to develop through routes for local transportation, in preference to the construction of extensive terminal stations. By this means it is urged that through traffic would be better distributed, while local traffic would be rapidly developed. In addition to the discussion of the situation in Chicago, there is a chapter on through routes in operation or proposed in other cities both in Europe and America. This report is published in attractive form, with numerous diagrams, charts and illustrations.

The bulletin on Rapid Transit is a comparative study of elevated and subway railroads in New York, Chicago, Philadelphia, Boston, London, Paris and Berlin, prepared by Frederick Rex, Municipal Reference Librarian, at the request of alderman Theodore K. Long. It includes data on the development of rapid transit in these cities, mileage, comparative costs, types of construction, passenger traffic, motive power, rates of fare, sanitary conditions and noise, and general observations, with a comparison of the relative advantages of subways and elevated railways. This forms a useful collection of material; but there is no attempt to formulate any definite conclusions.

The Chicago Municipal Markets Commission was established by an order of the city council, passed on October 27, 1913, and consists of three members of the council and six other persons, representing the social settlements, the City Club, the Woman's City Club and a transportation engineer. The preliminary report is a study of the cost of living and the public market facilities of Chicago and other cities. The commission finds the present market facilities of Chicago are merely private trading centers, which are entirely inadequate, unsanitary and extremely wasteful; and it recommends that the city establish retail markets and farmers' markets, and a tribunal to investigate complaints, and that a trolley freight service should be placed in operation.

J. A. F.

JUDICIAL DECISIONS

Eminent Domain. Compensation.—The supreme court of Iowa, in *Tracy* v. *City of Mt. Pleasant*,[1] a suit to condemn property for use as a reservoir, had to pass on the elements that may be taken into consideration in fixing the value for such purposes. It refused to allow the necessity or convenience to the plaintiff to be considered, but did allow the owner to show that the property sought was peculiarly adapted for the purpose for for which it was desired, and in particular to show that the land, being part of a basin adapted for reservoir purposes, would be considered more valuable by persons generally than if it were not so located. The court thereby attempts to draw a distinction which it is likely to find difficult to carry out in practice in many cases.

The court of appeals of New York, in re *Water Supply of New York*,[2] allowed the value of a business owned by tenants at will on land about to be taken by condemnation, to be estimated in view of the profits therefrom, and refused to insist on proof of an established market value. The court laid down the rule that interest on invested capital, rental paid and depreciation, should be charged against gross profits of the business as an expense, and also the reasonable value of all labor necessary to maintain it, though performed by the owner in the business, and that the actual value of the business as so determined should be the basis for settlement.

*

Delay in Street Improvements.—The common situation of street improvements contemplated by a city being held up by property owners' suits, and resulting damage to property, the access to which was cut off by the improvements in course of construction, was presented to the supreme court of Washington in *Williams* v. *City of Seattle*,[3] The alleged liability of the city for such damage, however, was not sustained, the court holding that the city, being authorized to improve streets in the exercise of its discretion, without at the same time improving all streets in a district or cross streets between those improved, could not be held liable for such damages caused in the process by reason of access to property being made difficult.

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[1] N. W. R. 78.

[2] 105 N. E. R. 213.

[3] 139 P. R. 45.

The supreme court of Kansas, in *Price* v. *City of McPherson*,[1] held that where the owners of property liable to taxation for street improvements do not, within twenty days after the last publication of notice thereof, protest against the improvement, the city has power to cause it to be made. That a delay of nine months thereafter does not deprive the city of the power to proceed with the improvement, although before the passage of the ordinance to proceed with it a majority of owners of property liable to taxation therefor protest against such improvement. If the property owners do not utilize the statutory period for protest they cannot be heard thereafter.

⁂

Construction of Billboard Ordinance.—A Milwaukee city ordinance provides that no billboard, fence or other structure of any kind to be used for advertising purposes, shall be maintained, except under the conditions prescribed therein. In *Thomas Cusick* v. *City of Milwaukee*,[2] the court held that a landowner may permit advertisements to be placed on a fence built around his lot, if the fence be not built simply for advertising purposes, and that in the latter event only are the conditions prescribed in the ordinance binding. The same theory is extended to buildings, it being held that buildings may be used for billboards without complying with the conditions set out in the billboard ordinance, except the building be erected merely for the use of its walls for advertising purposes.

⁂

Obligation of Contract.—The city of Birmingham passed a municipal ordinance attempting to nullify a contract made with a telephone company, purporting to fix rates to be charged by the company to subscribers over a term of years. The ordinance did not attempt, however, to substitute other rates or to restrict the right of the Company to fix rates in any way. In *Southern Bell Tel. & Tel. Co.* v. *City of Birmingham et al*,[3] the United States district court held that the ordinance did not impair the obligation of the contract, and that a court of equity has no power to grant relief against it by means of an injunction; and that a court of equity is without jurisdiction to grant relief by injunction against subscribers of a telephone company who refuse to comply with the terms of a contract between the company and the city in which they live.

⁂

State Law Versus Municipal Ordinance.—Conflicts between state regulation of motor vehicle traffic and attempted regulation by municipalities are common. The supreme court of Illinois, in passing on such a conflict, in *City of Chicago* v. *Francis*,[4] considered the case of the owner of a motor vehicle who had obtained a certificate from the secretary of state, under the motor vehicle law, which among other things prescribes that no such owner should be required to display any other number than that issued by the secretary of state. The city and village act, however, authorizes municipalities to impose and collect license fees on wagons and other vehicles conveying loads over city streets, and the city of Chicago attempted to compel him to use a city tag as well. The court held that while a municipality is authorized to impose license fees on motor vehicles, an ordinance, making it an offense to operate a motor vehicle unless displaying a license tag issued by the municipality, is void.

⁂

Shifting Liability for Injury.—In *City of Georgetown* v. *Cantrill et al*,[5] the Kentucky court of appeals had before it the following state of facts. The city, having contracted with a private party to cut and remove trees from the side of the street, and the contractor having negligently piled the wood in the street and failed to remove it when the city ordered him to do so, by reason of which a passerby was injured, the injured party recovered damages against it. The city's claim to indemnity against the contractor was sustained.

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[1] 139 P. R. 1162.

[2] 147 N. W. R. 30.

[3] 240 Fed. 709.

[4] 104 N. E. R. 662.

[5] 164 S. W. R. 929.

⁂

Filing Claims for Allowance.—The common provision by statute or city charter, that no action shall be maintained against a city on a claim unless the claimant shall first have presented it to the city council or other governing authority for allowance, and it shall have been disallowed, was held by the Wisconsin supreme court, in *Carthew* v. *City of Platteville*,[1] not applicable to an action for equitable relief based on the city's maintaining a nuisance. The court further held that the fact of the claimant's being entitled also to money damages could not be considered to bring the case within the statute.

⁂

Tax Levied to Pay Judgment.—The United States circuit court of appeals, in *City of Harper, Kansas* v. *Daniels*,[2] ruled very positively on a question which it would seem ought never to have got into court. A judgment had been recovered against the city on certain city warrants drawn on the general fund, and the owner of the judgment demanded that a tax for the full amount authorized by statute for ordinary city purposes be levied each year until his judgment was paid. The court held the demand reasonable, and that it could be enforced by mandamus.

⁂

Liability for Sale of Liquor.—The United States supreme court, in a memorandum decision, in *Prenica, et al* v. *Bulger*,[3] following a number of decisions to the effect that the states have a right to regulate the sale of liquor pretty much as they see fit, held that a Nebraska law permitting wives and children of habitual drunkards to recover damages from saloon keepers who sell liquor to their husbands and fathers, was not unconstitutional. A verdict for $5000 damages obtained under this law in the Nebraska courts, on the ground that the husband had been made an habitual drunkard, was thereby affirmed.

⁂

Removal of Trees from Streets.—The power of a city to remove shade trees from a street without liability to an abutting property owner is sustained by the supreme court of Mississippi, in *Town* v. *Durant*.[4] The court qualifies its opinion only to the extent that the removal be not made arbitrarily and in good faith to improve the street.

⁂

Liabilities for Death.—The court of civil appeals of Texas, in *Elliott* v. *City of Brownwood*,[5] construing a Texas statute authorizing an action for death by a negligent act, held that a municipal corporation cannot be considered liable for the death of a person caused by its negligence in maintaining its streets.

BOOK REVIEWS

State Regulation of Public Utilities. Philadelphia: The American Academy of Political and Social Science.

The May issue of *The Annals* is a special volume on state regulation of public utilities. It is made up of twenty-eight articles furnished by twenty-seven contributors, including well-known public utility commissioners and commission experts, consulting engineers, authors, attorneys and college professors. The subject matter of the volume is arranged under seven heads, as follows: (1) Legislation as to state public utility commissions; (2) state regulation and municipal activities; (3) uniform accounting and franchises; (4) public control over securities; (5) valuation of public utilities; (6) electric and water rates; and (7) standards for service. Massachusetts, New York, Pennsylvania, Michigan, Wisconsin, Indiana, Illinois, Missouri, Texas, California and Washington are represented in the discussion.

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[1] 147 N. W. R. 375.

[2] 211 F. R. 57.

[3] 34 S. C. R. 676.

[4] 64 S. R. 657.

[5] 166 S. W. R. 932.

From such a repertory of wisdom it is hard to select particular contributions for special comment. The discussion of the Pennsylvania utility law by Mr. Trinkle, counsel to the state commission, and Mr. Brown, of Pittsburgh, brings out the important fact that Pennsylvania has gone further than any other state in discouraging municipal ownership. A certificate of convenience and necessity is required before any Pennsylvania city can build a municipal plant to compete with a private plant already in existence, while at the same time no authority is given the city to purchase the private plant. The Pennsylvania law thus protects private monopoly and practically shuts the door against municipalization as a possible remedy for the evils of such monopoly.

In the discussion of local versus state regulation Prof. J. Allen Smith, of Seattle, and Stiles P. Jones, of Minneapolis, make vigorous and, to the reviewer, effective pleas against exclusive state regulation as it has been developed in Washington and Wisconsin.

William J. Norton, of Chicago, proves to his own satisfaction and to ours that the indeterminate franchise of the Wisconsin and Indiana type, under state regulation, is a very good thing for the companies. Commissioner John H. Roemer, of Wisconsin, is quoted as describing the indeterminate permits now granted in that state as "the practically perpetual exclusive franchises provided by the statute."

Commissioner John M. Eshleman, of California, with characteristic vigor and directness, upholds the necessity of direct public control over stock and bond issues. He maintains that in actual practice a company's outstanding capitalization has an unavoidable effect upon rates and service. This is because regulation of rates and service is largely dependent for its effectiveness upon the willingness of the company to obey orders.

In the discussion of valuations Dr. Robert H. Whitten, of New York, urges that accrued depreciation should be deducted from capital account and treated as a deficit until made up out of earnings. In regard to "going value" as a measure of "development expenses," he urges that this item also should be amortized out of surplus earnings, and should not be treated as a permanent addition to capital. On the other hand James E. Allison, of St. Louis, valiantly defends his thesis that a property, not previously subject to regulation, should not be depreciated for rate-making purposes. Mr. Allison manifests a perfect willingness to reverse the United States Supreme Court whenever he thinks that the court is wrong. He would treat accrued depreciation as an additional element of development expenses and permanently capitalize it. The issue between Dr. Whitten and Mr. Allison is reasonably clear, and it turns upon a question of public policy. Neither of them wishes to confiscate the property of the investor, but Dr. Whitten would insist on paying back to the investor the portion of his capital that is used up in developing the business and getting the plant settled down to a normal condition of wear, while Mr. Allison would not provide for the withdrawal of any portion of the investment, but would leave the used-up portions in the property as recognized intangible values. Believing that it is of the utmost importance to keep capital value down as low as possible, both for rate-making and for municipal purchase, the writer is forced to take sides against Mr. Allison, much as it would please him to join in a public-spirited movement to recall a few leading decisions of the supreme court. In regard to the treatment of franchise value, the writer must take issue with Dr. Whitten. Franchise value is not properly considered as a separate element of value in rate proceedings, except to the extent that the franchise has been capitalized with public sanction and thereby comes under the ruling in the consolidated gas case. Where the franchise fixes the rate, it has a distinct element of value, but in that case it makes rate regulation impossible. Where the franchise does not fix the rate, its only possible effect in a rate proceeding, except as above noted, should be to lower the reasonable rate of return on account of the additional security it gives. Even a non-exclusive franchise is something of a guaranty against competition. Of course, in any case, the legitimate and necessary cost of securing the franchise originally is a proper element of capital value.

In discussing electric and water rates, Commissioner Erickson, of Wisconsin, and George W. Fuller, of New York, both lay emphasis upon the importance of rate schedules adjusted to the cost of service for different classes of consumers. There is no indication in Mr. Erickson's paper of a tendency to favor an approach to uniformity of electric rates on the basis of the amount of current used. He would base rates upon three distinct elements, namely: (1) investment to meet the consumer's demand, (2) operating expenses in looking after the consumer, and (3) amount of current used by the consumer. He would even approve the policy of taking big contracts at special prices below the proportionate cost of the service, rather than forego such contracts altogether. Mr. Fuller favors almost as complex an adjustment of water rate schedules. Gas rates, telephone rates and street railway fares are not discussed in this volume, but the logic of the principles laid down would seem to point toward a complete abandonment of the "post office" rule in public utility charges. Under the scientific refinements of rate regulation, we may expect not only the abandonment of the one-man-one-city-one-fare principle on the street cars, but the rejection of the zone system as too crude to be tolerated in a modern community. No doubt some kind of a meter could be invented to be attached to a passenger when he boards a car that would register the exact distance he rides. He might be charged, say, one cent a mile for distance. Then, a reckoning could be made of the capital invested in order to bring the street railway past his door, and he could be charged a certain amount on account of "readiness to serve." By adding a third item for letting him on and off, or what we might describe as "terminal charges," we would be getting street railway rates somewhere near a scientific cost-of-service basis. Possibly, the editor of *The Annals* purposely omitted the consideration of gas and street car rates from this excellent volume, from fear that his esteemed contributors might carry the science of rate-making to a point past the comprehension, or at least past the appreciation, of the average reader.

One of the most clear-cut and interesting contributions in the entire volume is the very last one, in which P. A. Sinsheimer, stock and bond expert of the California railroad commission, expounds ten rules for service formulated from the actual practices of the California commission. If every state commission could give as good an account of itself, even theoretically, there would be much less evidence of popular reaction against exclusive state regulation than there now is.

Delos F. Wilcox.

New York City.

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Law, Legislative and Municipal Reference Libraries. By John B. Kaiser. Boston: Boston Book Company.

John Boynton Kaiser has produced a timely book. Thirty-four states have legislative reference libraries; and Congress is considering the question of a national legislative reference bureau which has been advocated in a special report by the librarian. Seventy-five municipal libraries are engaged in municipal research work and every county town has its important collection of law books; and there are 534 important law libraries in the United States alone. A prominent attorney in the state of New York has said that there is no class of men, professional or otherwise, so dependent upon books as the lawyers; and it might have been said with equal truth that no collections of books have been less cared for than those of the law library. No adequate shelf arrangement by subject has ever been devised for these collections; and in most cases the classification used generally has been discarded when the law books were taken into consideration.

Mr. Kaiser has suggested a shelf arrangement "with variations." There can be little doubt that text books should be arranged alphabetically, and he very diplomatically suggests

(a) Alphabetically by authors, or

(b) Alphabetically by subjects, then by authors.

It may be said that a large proportion of lawyers coming into a library immediately ask for "Page on Contracts"; and the law librarian soon finds that the arrangement of text books by authors alphabetically does away with the necessity of other classification, which is entrusted to the card catalogue in the cases where a person wishes everything that the library may have on "contracts." Mr. Kaiser very properly recommends also the state as a unit for material referring to the United States. There is a correct list of law library catalogues, and a rather incomplete list of dealers in such material.

The present volume will be better known by that part of it which refers to legislative and municipal reference libraries.

Mr. Kaiser gives credit for the formation of the first legislative reference bureau to Mr. Dewey, who, as director of the New York state library, created the office of legislative sub-librarian in Albany. Mr. Shaw, the first appointee, busied himself principally in the preparation of the classified summary of an index to the general legislation of the several states. Eleven years later Dr. Charles McCarthy developed a similar department in connection with his work at the University of Wisconsin. It, however, developed a militancy hitherto unknown in work of this character. He did not wait for the legislator to come to him, but carried the results of his work to the legislator. The history of the movement is very adequately described by Mr. Kaiser, who, however, does not give sufficient reason for making such work necessarily a division of the state library. The functions of the legislative reference bureau are almost entirely connected with the legislature. The work of the state librarian is administrative. The legislative reference librarian has to act as the confidential adviser of people of all shades of political opinion, and it would be very inexpedient for him to have to await the opinion of a superior officer; and this would detract very much from his usefulness.

There are adequate bibliographies of the comparisons of laws, and experience with legislation on current political movements and tendencies; on criminology and penology; together with a good list of serial publications referring to comparative legislation. Proper emphasis is placed upon bill drafting as the most important accessory in this work, and the useful series of blanks used in this work is included. "Bill drafting is a science," says Mr. Kaiser, "successful bill drafting an art. Its technique involves skill in the use of words and phrases and in their proper juxtaposition. It involves a knowledge of constitutional and statutory provision relating to form. It involves, further, and in the same person, a thorough understanding of the conditions making necessary proposed legislation, and an ability to fit means to ends." Oh! that each legislator might have drummed into him the quotation from Professor Patten of the University of Pennsylvania!! "Legislative action, however, should be based upon demonstrated need, careful study of the proposed remedy in substance, of its constitutionality, of the meaning of every word in the proposed act; with a careful examination of existing decisions as well as statutes. Knowledge of law as well as of the English language is required, and the pen of one who thinks he has a facility for legislative expression should indeed 'make haste slowly.'" In view of the fact that 2,732 bills were offered at the last session of the Pennsylvania legislature it would be interesting to know how many of the authors had this spirit in mind.

The classification under the subject municipal reference libraries includes

1. Origin;
2. Materials;
3. Handling of material;
4. City council procedure;
5. Attitude and qualifications of a municipal reference librarian and opportunities for training for this work;
6. General success of libraries now established;
7. Future possibilities.

As is the case in the discussion of legislative reference bureaus, too much emphasis is placed here and there upon work which has been described with a facile pen.

The frequent meetings of large bodies of interested workers has developed a series of ready speakers who astonish their own assistants by their descriptions of the magnitude of the work they are carrying on, and who become finally convinced that they are telling the truth. At the same time the more modest official who has been accomplishing the real work wonders whether it is worth while for him to travel miles to listen to such fiction. Mr. Kaiser has for the most part avoided reference to the published boastings of these histrionic artists.

It is an open question as to whether the municipal reference library should form a part of the system of the free library, or, whether it should be an independent office relying upon indexes for a great part of the information furnished. It is unquestionably best that such a department in every case should be located in the city hall.

The qualifications of the municipal reference librarian are stated to be, that the head of such a library should have a liberal education with special training in political science, economics, municipal government, and methods of organization and administration, and that he should be selected for merit only. In the term "merit" might be included alertness, directness of statement and general approachableness. He must preserve an attitude of neutrality on all questions. If he become an advocate he will lose ground and impair his department's standing and reputation.

Mr. Kaiser very properly remarks that "a classification acceptable to all municipal librarians is still a desideratum, as is also a standard guide for assigning subject headings." There are many people who believe that from an economic standpoint the city is the greatest problem confronting the nation to-day, and are urging the creation of a national bureau, or, a department of municipalities, but the municipal library's needs at present are trained workers and the information in print from those who have successfully handled the thousands of questions which have been presented to them with intelligence and dispatch. The answer as to what constitutes efficiency in this case should come from those who are helped rather than from those who are transfixed with the arrangement of material and the accumulation of the printed page.

The volume forms interesting reading, is well arranged, with proper bibliographies under each heading, and, above all, is well indexed.

THOMAS LYNCH MONTGOMERY.[1]

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IMMIGRANT AND LIBRARY: ITALIAN HELPS. WITH LISTS OF SELECTED BOOKS. By John Foster Carr. New York: Immigrant Education Society.

THE IMMIGRATION PROBLEM: A STUDY OF AMERICAN IMMIGRATION CONDITIONS AND NEEDS. By Jeremiah W. Jenks and W. Jett Lauck. Third Edition. New York: Funk and Wagnalls.

There are numerous signs of the times which indicate that the United States is waking up to the fact that her immigrant population constitutes a problem in a very real sense of the word. The problem is not merely an academic one, but a very practical one, having to do with the bearing of immigration upon the life of the American nation, as well as that of the immigrants. There are dangers to be guarded against and advantages to be secured. Among these signs of the times is the growing effort to meet the foreigner at least half way in his effort to avail himself of that advance in education which is supposed to be characteristic of American life. The former of the two books named above is an example and an outcome of this effort, and seems to be very well adapted for its purpose. The title, perhaps, is somewhat misleading, as the main part of the volume is taken up with the lists of selected books mentioned in the subtitle, and what goes before is merely introductory to them. This minor matter aside, however, this little book should be of much assistance to librarians who are desirous of helping their Italian patrons to read wisely, or who are trying to equip their libraries to meet the needs of Italian readers. The books listed are all in the Italian language, and cover a wide field of reading, being grouped under various headings such as biography, history, fiction, drama, etc.

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[1] State Librarian of Pennsylvania.

"The Immigration Problem," at its first appearance, took a unique place in immigration literature. It was inevitable that a digest of the report of the immigration commission should be produced, and Professors Jenks and Lauck, from their intimate connection with the commission, and their own personal qualifications, were especially well equipped to prepare such a volume. The fact that the book is already in its third edition shows that there was a large demand for such a book, and that the work of the authors was well done. The present edition, though "revised and enlarged," does not differ materially from the first. Numerous passages, including the entire chapter on recent immigrants in agriculture, have been rewritten, and some loose and inaccurate statements have been corrected or improved. The general tone of the discussions is perhaps a little less optimistic as to the ease of assimilation, and a little more definitely on the side of restriction. A large number of new tables have been added, the text of proposed new immigration laws has been brought up to date, and the white-slave traffic act of 1910 has been included in the appendices. Another valuable new feature is a chart, showing the immigration by countries from 1820 down to 1912.

H. P. Fairchild.

Yale University.

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A Generation of Progress in Our Public Schools. Issued by the Public Education Association, Philadelphia, 1914. 70 pp.

A Primer of Public School Progress. Issued by the Public Education Association of the City of New York, 1914. 37 pp.

The public education associations of Philadelphia and New York have almost simultaneously issued publications to show the place of citizen co-operation in the progress of the public schools and to demonstrate the value of such organizations as their own as a means of such co-operation. Both start from the thesis, stated in one case and implied in the other, that "the initiative for educational progress in the United States is largely outside of the system." In "A Primer of Public School Progress," issued by the New York Association, it is stated that "the history of the Public Education Association of Philadelphia, since its organization, is the history of school progress in Philadelphia." "A Generation of Progress in our Public Schools," issued by the Philadelphia association, seems to substantiate this assertion.

The latter pamphlet is devoted to the development of public education in Philadelphia. It "is put forth neither as a complete history of the association, nor as a chronicle of all of the developments of the public schools of Philadelphia. If, however, it does give some side-lights on the progress of public education in this city, and if through setting forth the results gained by co-operative effort of public-spirited citizens it shall encourage others to like service, it will have fulfilled its purpose."

"Three great results" are pointed to as "the focal points of constructive effort which have marked the epochs of school progress for the city of Penn. The creation of a department of superintendence . . . was the first great constructive movement in which the public education association took part." Philadelphia is given the distinction of being "the first among the large cities to initiate, and one of the last permanently to adopt, a system of expert supervision of her public schools." The second great step culminated in legislation in 1905 which reduced the central board of public education from forty-two to twenty-one in number and centralized responsibility by reducing the power of the local or ward school boards. The third progressive movement resulted in the new school code of 1911 which, among other things, gave to the board of education of Philadelphia power to levy taxes and borrow money; fixed a minimum tax limit of five mills; still further reduced the board of education of Philadelphia from twenty-one to fifteen members; established a state board of education and a state school fund; provided for a reduction of the membership of boards of education throughout the state; made more reasonable provision for the selection of text books; and included provision for higher education throughout the state.

The progress of the Philadelphia schools, both in general and in detail, is an epitome of the progress of education throughout the United States—in some places taking place more rapidly, in others more slowly.

Among the details of advance discussed in "A Generation of Progress in our Public Schools" are the development of a highly effective bureau of compulsory education; the introduction of a system of medical inspection; more adequate provision for backward children; the installation of industrial training and training in household economy; the establishment of playgrounds, school gardens and vacation schools; the use of school buildings as community centers; the installation of school lunches; and the reorganization of high schools. In some of these lines of progress the Philadelphia schools have taken an advanced position, as in the organization and administration of its bureau of compulsory education. The point of emphasis, however, is the part that citizen co-operation and initiative, largely through the medium of the public education association, had in this record of educational advance.

"A Primer of Public School Progress," while including a summary of the history and work of the New York Association, is somewhat broader in scope than "A Generation of Progress in our Public Schools," since it constitutes an historical statement of the origins of important school activities throughout the United States. Its aim is to show how educational progress is the result of the "citizen and the educator working together." It consists of a series of questions and answers, of which the following are an illustration:

"When were public schools first established?"

"About 1636 in Boston; about 1638 in New York."

"How?"

"Through concerted action and support of public-spirited citizens."

"When was compulsory attendance at school first enforced?"

"In 1852 in Massachusetts."

"How?"

"Through voluntary movements for the physical, moral and intellectual welfare of children in co-operation with educational authorities."

"When was permanent registration of school children first provided for?"

"In 1908 in New York state."

"How?"

"By a number of organizations interested in the enforcement of compulsory education and child-labor laws, acting in co-operation with the school officials."

"When was the first high school established?"

"In 1821 in Boston."

"How?"

"Through the efforts and support of public-spirited citizens."

Each of these questions and answers is followed by a brief explanatory and historical statement taken from authoritative sources, showing how the various activities of the public schools had their inception.

The activities included in the primer, in addition to those already indicated, are the normal schools, kindergartens, evening schools, trade schools, vacation schools, playgrounds, school gardens, music, drawing, manual training, household arts, physical training, medical inspection, school nurses, classes for blind, crippled, tubercular, and mentally defective children, visiting teachers, and school lunches.

Part 2 of the primer is a brief summary of the aims and activities of the New York association.

ARTHUR WILLIAM DUNN.

Washington, D. C.

⁂

THE HISTORY OF THE DWELLING-HOUSE AND ITS FUTURE. By Robert Ellis Thompson. Philadelphia: J. B. Lippincott Co. $1.00.

The things we live with—or in—we too often see with unseeing eyes. Dr. Robert Ellis Thompson in his little book "The history of the dwelling-house and its future," opens our eyes to the significance of many features in our dwellings about which before we had been too ignorant to be even curious. Dr. Thompson is a Philadelphian and a bookman—if one may judge from circumstantial evidence. He assumes the single family house, only casually does he mention the existence of the multiple dwelling. And in his prophesies he goes abroad to find illustrations, such as the Norwegian kitchen of Paris and a similar contrivance used in Germany, when the fireless cooker of America would have served his purpose quite as well. So, too, in advocating playgrounds he describes what London has done when Chicago would have served his purpose even better.

It is only a bookman or a scholar who could have given us the delightful and informing chapters at the beginning of his book which deal with the history of the dwelling, show how its form and arrangements have been the results of social conditions, how improvements have come slowly as man advanced in knowledge and in social order. In this he has made a most valuable and interesting contribution to our housing literature.

From a practical housing worker's viewpoint, however, there are two serious omissions in these chapters, they contain scarcely a mention of the household water supply and the methods of disposing of human waste. A reader might believe that the pestilences of the middle ages were due entirely to the filthy rushes mixed with the decaying scraps of food that carpeted our ancestral dining halls. These are not delicate subjects, but we have learned through bitter experience that they cannot be ignored.

In his later chapters, dealing with the future of the dwelling, Dr. Thompson strikes another note. About the past we may be willing to take his word, about the future each has his own opinion. From Moore's "Utopia" to Bellamy's "Looking Backward" we have been stimulated by such prophesy as much to disputation as to agreement. One could wish that Dr. Thompson had introduced his prophesy as he did his history by emphasizing "the importance of the child," and consider the house of the future primarily from this point of view. Yet we must admit that the house he pictures is not one where children have no place. In fact his proposed re-organization of family life is based upon a desire to give the mother more time to devote to her children—and their father.

JOHN IHLDER.

⁂

LECTURES ON HOUSING. THE WARBURTON LECTURES FOR 1914. By B. Seebohm Rowntree and A. C. Pigou. Manchester: The University Press. 50 cents.

The two Warburton lectures for 1914 given by B. Seebohm Rowntree and A. C. Pigou, have been published in this little volume. The first lecture bears the long title, "How far is it possible to provide satisfactory houses for the working classes at rents which they can afford to pay?" The second bears the briefer but less definite caption, "Some aspects of the housing problem."

Mr. Rowntree finds it difficult, if not quite impossible, to answer the long question he has asked himself. Apparently he thinks it very far from possible, so he tells why an inadequate number of such houses are now erected in England and proposes several plans which he believes will increase the number. Among them is the proposal that land shall be assessed upon its capital value instead of upon the income it produces. This proposal will not strike Americans with the shock of something new. Perhaps the gist of his argument, however, may be found in the sentence, "He (the working man) wants and needs it (a good house), but he cannot pay a price which will secure it." And again, "We must not only cheapen housing and decasualize labor, but we must raise wages, and then we can definitely compel the municipalities to carry out the law which says, 'Every house in this locality shall be reasonably fit for habitation.'"

Mr. Pigou starts with the assumption that "it is the duty of a civilized state to lay down certain minimum conditions in every department of life, below which it refuses to allow any of its free citizens to fall." How it is to keep certain of its free citizens up to these minimum conditions is the problem. In discussing it he proposes three methods: 1st, that followed with such success by Miss Octavia Hill, who as agent of the landlord used her influence and her opportunities to make the poor tenants help themselves; 2nd, prohibition by the state of the sale of commodities unfit for human consumption, in the case of houses if the landlord does not make or keep his commodity reasonably habitable, the state shall close or demolish it. These two methods are, he says, "in their place, valuable means of improvement." But neither of them will cure poverty. So he comes up against the same problem that puzzled Mr. Rowntree. He finds another solution, however. Instead of cheapening houses by various means and giving the workman a larger and steadier income, he proposes that the state shall build houses for less than an economic return. But it would seem that he is not *quite* sure of the wisdom of this proposal though he compares it to that of state supported schools. "The fundamental question as to the wisdom or otherwise of *properly arranged* (the italics are Mr. Pigou's) subsidies upon the housing accommodation offered to the poor still remains to be faced." In facing it he says the question is whether such state assistance can be so arranged as to avoid directly tempting the workers into idleness. He inclines to think it can and his last words are, "I am convinced that carefully drawn schemes of state assistance toward the housing of the poor ought not to be condemned, out of hand, upon grounds of principle. They deserve, if not support, at least sympathetic consideration." After his firm statements in support of his first two proposals such mild advocacy of the third, even when introduced by a strong word like "convinced," will surely turn away the wrath of the most ardent individualist.

Incidentally Mr. Pigou makes a statement of fact that is of interest to American housing workers who have been much impressed by the low rents in the London County council tenements, which, they have been told, pay an economic return upon the investment. "Perceiving that the high cost of land in the center of London made the rents at which workmen's dwellings could be let there abnormally high, the county council built houses there, wrote off the difference between the commercial value and the value for working-class dwellings of the sites, and offered the houses for hire on terms which involved, in effect, the payment of a heavy subsidy from the rate-payers to their tenants."

John Ihlder.

⁂

The Improvement of Towns and Cities. By Charles Mulford Robinson. 313 pages. New York: G. P. Putnam's Sons. $1.25 net. Fourth Revised Edition.

To those interested in civic advance, a portion of the preface to this fourth edition of Mr. Robinson's standard work will be cheering. Writing of the great changes that have occurred in the twelve years since the first edition of his book was published, Mr. Robinson says:

> On page after page it has been necessary to amplify data and to recast the statements relating to conditions so that an expression of hope or expectation might be changed into a chronicle of facts, that what were described as experiments might be transformed into a record of achieved successes, and that isolated instances should be shown as now significant of a trend or to have become already typical. although the book was written with much confidence in the awakening of a popular wish for city and town improvement, it was not realized that in a dozen years so much progress would have been made.

As already stated, Mr. Robinson's book is a standard of American practice in town and city improvement. It touches upon the site and the street plan as well as the elementary construction of cities, and as well deals with the familiar but too often unsolved problems of careless community life. It is especially strong in its references to the aesthetic relations of the city, and in its comparisons of American and European conditions.

Indeed, if one might venture to express a wish, it would be that Mr. Robinson in 1913 had seen and reported more of America and less of Europe in this presumed revision of his book. It is true that we may and need to draw many lessons of value from the great and old communities of England, France, Germany and Italy; but it is also true that there have been things done in civic betterment within the last dozen years in the United States which are without parallel abroad, and which might well have been mentioned or more particularly set forth in this book. Mr. Robinson has not noted certain facts, for instance, in the advance of street lighting, in state laws controlling shade trees, and in definite instances of improvement achievement, which are most valuable, encouraging and useful.

Nor does the term "revision" seem fully justified for this edition. For instance, the spoliation of Niagara Falls for private power advantage is virtually commended as of 1901, though the title page reads 1913, and the casual reader might claim that Mr. Robinson approves of the scenic outrage now existing there! The National Municipal League, certainly a force in civic advance, has escaped mention, and only a footnote reference to an addenda saves the reference to two societies extinct for ten years from seeming active to-day. The trammels of old electrotype plates have evidently interfered with that completeness and timeliness which one expects of an authority so well informed as Mr. Robinson.

Yet, as a whole, this "revised" edition is a book indispensable to the student of or the worker in civic advance. It touches so many points so well and so clearly that it is sure to continue and to enlarge the effective usefulness that has always been its characteristic.

J. Horace McFarland.

◆

Modern City Planning and Maintenance. By Frank Koester. 329 pages royal octavo, with numerous engravings and diagrams. New York: McBride, Nast & Co. $6.

The author, in his introduction, gives as his purpose "to present, in a concise and comprehensive form, the principles of the art of city planning as they have developed in modern times." This, he observes, "has not before been attempted," and he expresses the belief that "nowhere else is to be found the summarization of principles and practice as here presented."

That the reader may not be unconscious of the importance of this work, Mr. Koester says as well that "this volume treats of numerous important factors in city planning and maintenance not yet introduced in this country, but which have stood the test of time and of practice abroad, and which are certain to be adopted here sooner or later."

Among these "important factors" he mentions the zone system, "a new system communal industry to supplant the trusts," as well as new systems of street illumination, of police and fire signalling, and of the use of waste exhaust steam. He promises also to tell of "new methods of raising municipal revenues and dividend payments to citizens instead of tax collections."

It will be admitted that this is "rather a large order," and that Mr. Koester's modesty is not the distinguishing character of his ambitious work. He has undoubtedly gathered in this one good-looking volume a great mass of city-planning and city-maintenance material, very largely from abroad, and quite frankly from the standpoint of German efficiency. Indeed, he asserts that modern city planning "is of purely German origin." He sees in London "the greatest spot of confusion today on the face of the globe," and in Washington "admittedly the most beautiful city in America." This latter accident, however, is because "L'Enfant, who planned Washington . . . enjoyed the double good fortune of having . . . support . . . and an unencumbered site upon which to build." Further on, he disapproves of the plan of Washington. He has either not known or has overlooked the fact that George Washington, and not Major L'Enfant, was really responsible for the plan of the federal city, and that it long antedated either the admired and somewhat imitative Haussmann revision of Paris or the first thought of orderly planning in any "modern" German city.

As a gathering of valuable data and pictures relating to city making and city maintenance, the book is both desirable and important. Its conclusions and somewhat naïve suggestions are less valuable, mostly because they are not at all from an American standpoint. In his twelve years of American residence Mr. Koester has not come to realize, seemingly, the vital difference in point of view, in character of domination, in units of citizenship which differentiate Germany and the United States. Neither he, nor any number of very properly admiring visitors to the orderly and clean cities of Europe, can make over the communities of the United States into similar appearance. It is more the part of wisdom, it might be urged, to see and to consider all that is good anywhere in city making and keeping, and then to adapt and to originate according to our abilities, our opportunities and our needs, rather than to imitate slavishly.

In many of his rather didactic directions (the word "should" is somewhat overworked), Mr. Koester runs counter to thoughtful and successful American practice. For example, he commends among "trees which are useful for city purposes," presumably for street planting, "evergreen pines and cedar," which must be a joke! And he insists that in street lighting "the best results are obtained with arc lamps placed from thirty to sixty feet in height," telling us that "very few American streets would pass muster as to illumination in Germany," while he proceeds to say that "could a city be lit by a single lamp the result would be the most nearly ideal obtainable." This seems quite interesting, just as the very able electrical engineer of Washington, Mr. Allen, has succeeded in giving to that city superb and decorative illumination at low cost by doing exactly what Mr. Koester deprecates!

It seems evident that as a manual for American operating practice Mr. Koester's book would not be a safe guide, while as a comprehensive gathering of European city conditions and methods it is excellent and useful. The publisher has done his part well, for the book is sumptuous in appearance and in illustration.

The really great book on city planning and city working in America is not yet written.

J. HORACE MCFARLAND.

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THE AMAZING ARGENTINE. By John Foster Frazer. New York: Funk Wagnalls Co., 1914.

A portion of this book is taken up with personal observations on characteristics of the country and people which differ but little from the general impression already held by readers of other books on the subject. A portion of the work is taken up with statistical information that is available, in government publications, to any interested person without going to the Argentine. In other words there is hardly enough originality in the work to justify its addition to the literature on South America, and the style itself is somewhat disappointing coming as it does from a professional travel writer.

There are some inaccuracies and misstatements in the book; there is a little too much exaltation of the part played by Great Britain, and the whole presentation seems to lack thought and coordination. For readers of the NATIONAL MUNICIPAL REVIEW and others interested in governmental questions there is disappointingly little about the governmental arrangements, and what there is lacks interest. Yet much could be said about the aristocratic republic of South America that would illustrate how far the practice of government may differ from its theory.

However, the book is not without interest and for the reader who knows nothing of this promising country it will serve very well as an introduction to the subject.

HERMAN G. JAMES.

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CLEAN WATER AND HOW TO GET IT. By Allen Hazen. Second Edition, Revised and Enlarged. New York: John Wiley & Sons. Cloth; 6 x 8 in.; pp. 196; illustrated. $3.

Those who wish practical and readable information on how to get clean and safe city water-supplies will find it if they will consult this book. To use the author's own words, the book "deals with the means used by American cities to secure clean water." The subject is treated concretely by describing various existing works "to illustrate principles."

Water-supplies derived from impounding reservoirs, small lakes, the Great Lakes, rivers, and from springs and wells are taken up in the order named. The action of water on pipes and the effect of that action on the quality of the water is next discussed, after which a new chapter, on "red-water troubles," has been inserted. This clears the way for a number of chapters on water purification, including a new chapter on water disinfection. Chapters on water pressure and on the use, waste and measurement of water follow.

Of course the author believes in selling water by water measurement, both to prevent waste and as the only just and equitable method of distributing the cost of service.

A few pages are devoted to financial aspects of water-supplies, chiefly as regards costs and water-rates. Here a very interesting statement showing the relative cheapness of the water service is made. "In my own household in New York," the author says, "taking the cost of Croton water at $1, the average cost of other household supplies is as follows: Ice, $3; light $4; telephone, $5; coal, $13; milk, $15. Further on, the low cost of so vital a service is used as an argument for making public water-supplies "substantially equal in hygienic quality and in physical appearance and attractiveness to the best spring water."

The book closes with some forcible remarks on the importance of properly laying out a water-works plant and with some sound reflections on the financial management of municipally-owned waterworks. The author urges that the latter should be on exactly the same basis as for works under private ownership, except that for public works the aim should be to make the earnings no more than "a fair rate of interest on the capital invested" and that these earnings should all go either to improve the works or to provide "libraries and hospitals and parks, or any other public works not of a productive nature." All water should be sold as nearly as may be at cost (*i. e.* operating expenses plus a reasonable interest on the whole investment). Following such business principles will make water-works under municipal ownership "splendid, safe revenue-producing properties," which "will be doubly gratifying when they supply clean water."

For the benefit of the general reader it may be stated that Mr. Hazen is one of the foremost water-works engineers of the country. As a matter of interest it may be added that the book bears this unique dedication: "To the Brisbane board of water-works in whose service was made the voyage on which these pages were written." The book may be heartily commended to laymen and students alike who wish to inform themselves regarding the principles upon which depend the getting of clean public water-supplies.

M. N. BAKER.

✢

CYCLOPAEDIA OF AMERICAN GOVERNMENT. Edited by Andrew C. McLaughlin and Albert Bushnell Hart. Three volumes. New York and London: D. Appleton & Co. 1914.

The first two volumes of this elaborate work have appeared and justify the expectations that preliminary announcements have aroused. The editors have done their work admirably so far as inclusiveness is concerned and generally so far as the working out of the details, although it is to be regretted that there has not been more uniformity in the matter of authorship. In other words, the services of too many authors have been called upon to treat of a single subject. This has a certain value in affording information as to the various points of view, but it militates against continuity and thoroughness of treatment. To illustrate, the subject of civil service reform is treated by Elliot H. Goodwin, formerly secretary of the National Civil Service Reform League and by Professor Jesse Macy. The value of the articles would be much enhanced if either Mr. Goodwin or Professor Macy had contributed all that relates to this subject. There would have been a completer and more effective treatment and fewer breaks. In other words, the general topics seem to be treated under entirely too many heads.

Subject to this general statement which relates to the matter of treatment rather than to the subject matter, the work both of the editors and of the contributors seems, so far as a preliminary examination of the two volumes is concerned, to be very well done. Certainly the book will prove to be a most useful one primarily to the reader and student who wishes to have at hand concise information concerning matters relating to American government in all of its several branches and to the student who wants quick reference to the general field in which he is interested.

The list of contributors is a remarkable one and reflects not only the wide sympathies and connections of the editors, but their capacity to command co-operative service. The views expressed are those of the contributors, the editors being responsible for the general accuracy of the statements and the proportions of the articles. Certainly the hope which the editors express in their introductory note that the volumes may prove "a friendly informant and guide for students, investigators and public men" has been abundantly justified.

On the appearance of the third volume we hope to have a more critical notice of those portions of the book dealing with municipal government.

✢

THE MECHANICS OF LAW-MAKING. By Courtney Ilbert, G. C. B. Pages viii & 209. New York: Columbia University Press. 1914.

In this little volume, comprising the Carpentier lectures delivered at Columbia University in the autumn of 1913, Sir Courtney Ilbert has put into condensed form much that is covered with greater elaboration in his standard treatise on "Legislative Forms and Methods" published in 1901. For the busy reader the work supplies in brief form an admirable discussion of the reforms in the methods and practices of law-making by the British parliament with some comparative reference to the conditions under which statutes are drafted and enacted by American legislatures. In the United States, because of the enormous number of statutes which determine the organization and operation of municipal governments, the matter of legislative methods and practices in general bears a very important though indirect relation to the problems of city government. Students of municipal government will be interested in the fact that the author of this little book elected to describe, as illustrating his own experiences as a parliamentary draftsman, the manner in which the municipal corporations act of 1882 and the local government act of 1888 were drafted (pp. 19–23). Surely in this concise account of the labor and care that were expended in the preparation of these famous acts there is a lesson of some import for the legislative architects of American municipal fortunes.

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City of London Year Book. 1914. London: W. H. & L. Collinridge, 148, Aldersgate. 5 s. net.

This is a combined year book and civic directory, and as such furnishes an abundance of carefully selected information about the complicated machinery of London's government and life. Through delaying the publication until the close of the first quarter, the latest data are embodied. The municipal section is most comprehensive. It contains complete lists of the members of the corporation and London county council, and articles detailing the past year's work of those two bodies. Further information concerns the several other rating authorities of the city and metropolis. The city guilds' section not only sets forth the membership of each company, but details the history, and shows the present-day activities as regards trade association, educational work, and charitable endeavors. A new feature is a complete list of the members of the Guild of freemen. Particulars of city schools, with details as to fees and scholarships; and a list of city churches, with the names of the incumbents and curates, are also given.

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The Conquest of the Tropics. By Frederick Upham Adams. Garden City, N. Y.: Doubleday, Page & Co.

This, the first volume in a series on "The Romance of Big Business," has an interest to readers of the National Municipal Review because of its intimate relation to the food supply and because it shows how far-reaching are the efforts to supply the cities with necessary sustenance and variety. It is likewise interesting as a stirring and friendly history of the upbuilding of a great corporation—the United Fruit Company, which has a close and important relationship with so many of the ports of our country.

⁂

American Citizenship. Charles A. and Mary Beard. New York: The Macmillan Co. $1.00.

The headings of the three parts of this really interesting text book on civics shows both its contents and its spirit:—

Part I. Human needs and the government; Part II. The machinery of government-officers, elections, and parties; Part III. The work of government.

Part I describes modern government and deals with the family, civil liberty, property rights, and political liberty. Part II is more technical, treating of the national, state and city governments, and what is rather rare in such books, the government of country districts. Part III considers rural surveys, public service commissions, community centers, education of adults, vocational guidance, medical inspection, playgrounds, "clean-up week" and similar subjects. The last chapter is on the government and public opinion.

BOOKS RECEIVED

Municipal Life and Government in Germany. By William Harbutt Dawson. New York: Longmans, Green & Co.

Municipal Efficiency. Proceedings of the Fifth Annual Conference of Mayors and Other City Officials. State of New York. 1914. $1.00.

MARKETS FOR THE PEOPLE: THE CONSUMERS' PART. By J. W. Sullivan. New York: The Macmillan Company. $1.25.

REPORT OF THE POLICE PENSION FUND OF THE CITY OF NEW YORK. 1913. Submitted to the Aldermanic Committee on Police Investigation by the Bureau of Municipal Research, New York.

THE COLLECTIVIST STATE IN THE MAKING. By Emil Davies. London: G. Bell & Sons, Ltd. 5 shillings.

JUVENILE COURTS AND PROBATION. By Bernard Flexner and Roger N. Baldwin. New York: The Century Co.

HEALTH WORK IN THE SCHOOLS. By Ernest Bryant Hoag, M. D., and Lewis M. Terman. Boston: Houghton Mifflin Co. $1.60.

A GUIDE AND INDEX TO PLAYS, FESTIVALS AND MASQUES. For Use in Schools, Clubs and Neighborhood Centers. Compiled by the Arts and Festivals Committee of the Association of Neighborhood Workers. New York: Harper & Brothers.

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